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SURVIVING ||||| IN ||||| PRISON



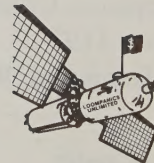
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Harold S. Long

SURVIVING IN PRISON

by

Harold S. Long



**Loompanics Unlimited
Port Townsend, Washington**

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SURVIVING IN PRISON

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Contents

Preface	i
1. Introduction	1
2. Power Structures	5
3. The Prison Experience: Day One to Day Ninety	23
4. Isolation and Segregation Units	33
5. Programs and Recreation	41
6. The Internal Litigation Process	49
7. Interpersonal Aspects of Prison Life	109
8. Our Present, Our Futures	117

Preface

The number of people who have absolutely no concept of what prisons might be like is astounding. With nearly a thousand penal institutions operating across the country and hundreds of thousands of Americans incarcerated in them, it would seem that they would receive more attention than they do, but unfortunately for the prisoner, that is not the case. Even the families of prisoners are guilty of being silent about this vast society of abused men and women, which of course suits the fancy of the government. If the issue of conditions and treatment and Constitutional Rights came into the limelight concerning court procedures and prisons, somebody just might have to start answering a lot of embarrassing questions, and the government wouldn't want that.

In the pages to follow, you will read a summary presentation on the basic components of prisons, focusing for the most part on their governments and operating procedures, and how both affect the prisoner's daily life. Know, however, that no single work on prison life could detail every aspect and every effect of the reality that each prisoner must face. The individual's degree of maturity, his biological age, his awareness and educational level, and what his free life was like

prior to his incarceration will have a great deal to do with how the various aspects of prison life will affect him. In addition, the personal discomforts are as varied as the individual personalities to be found within the walls. There will, however, be an organized oppression that has a basic uniformity, and it will be the major affliction of all men and women whose trek through life has brought them to face this obscure existence.

1

Introduction

All organized societies have a code, whether written or unwritten, which establishes what is and what is not acceptable behavior when interacting with other members of that society.

Before there were Kings and Chiefs, Czars and Governors, unwritten codes of conduct were accepted within communities. When such a code was violated, the individual who suffered the loss or injury, or the family of the individual exacted retribution. Often this led to family feuds that endured until one family or the other was killed off or otherwise unable to continue battle. The effects of such feuds had economic consequences to both families as well as the entire community, and the largest or richest family of the community was often called upon to intervene as a mediator, and sometimes as a judge in an attempt to defuse the potentially hazardous outcome to the other members of that society, and such was the predecessor of today's courts of law.

Although the shield of Achilles depicted the first known court, which according to Homer's *Iliad* existed around 2000 B.C., any real effort of a court to give an accused person an equal chance to present a defense may not have been realized until the late 1700's in the American Colonies following the success of the American Revolution.

Having been exploited by England, the now free American colonists designed a Constitution intended to make all citizens equal in the eyes of the law regardless of wealth or poverty, bloodline, or religious beliefs. Later, the Bill of Rights was drawn up to further clarify and guarantee these rights. Courts were set up to dispense justice, but were still in the growing stage, leaving much to be desired in the implementation of equal rights.

Prisons in the meantime were going through a number of changes aimed at growth as well. From small fortress-type structures which were often little more than basements, larger facilities were constructed to house prisoners and utilize their physical capabilities in everything from breaking rocks into slag to self-sufficiency tasks such as cooking, laundry, agricultural production and internal maintenance. But the concept and goal of the prison was punishing the convict and nothing more. Treatment was brutal and inhumane, and rehabilitation was not yet a consideration of the penal process. Conditions were unlivable even by the standards of the day, much less by current standards, and men and women alike were housed together in a dormitory style setting.

The first modern prison is said to have been built in 1790 in Philadelphia, and such prison reformers as Jeremy Bentham attempted to dignify penology by the design and construction of prisons which separated prisoners in cells and provided Bibles, Bible Instruction, and a cleaner environment. The Panopticon, a prison designed by Bentham, situated guards in the center of a circular cellblock whereby prisoners could be observed while in their cells, and the influence of this design is yet seen in the institution at Breda in Holland, and at the Joliet facility in Illinois. Later reformers such as Lewis Lawes and Thomas Mott Osborne instituted the establishment of theatricals, athletics, various self-help programs funded through mutual welfare leagues, and the provision of radio headphones in cells. Public awareness of the indignities of prison life aided in the reform process, and the term *rehabilitation* began to take on meaning, though still lacking any real and conscious effort by administrators and prison personnel.

Whether or not contemporary shortcomings are due to the lack of education of prison employees, or the lack of personal commitment on

the part of the individuals, is a question whose answer may never be known, simply because there has been no formal admission that the system is in fact failing miserably. Consequently, the question has neither been asked nor answered in an official capacity, at least not publicly.

In the chapters to follow, we will look at the system from the inside and explore the settings, the personnel, the processes, and the “System” of corrections as a whole.

2

Power Structures

A survey conducted in the mid 1980's revealed that at that time, there were 791 prisons being operated in the United States. I know of three that have been built since then, and feel safe in assuming that the total number of correctional facilities currently exceeds 800. With the variations in attitudes in the different regions of the United States, there will certainly be a comparable fluctuation in the treatment and handling of prisoners, and the system of Federal Prisons will differ significantly from state jurisdictions. Therefore, there will be no precise uniformity in institutional policies, practices, or political power structures, but there is a format basic to all institutional governments, and where titles may vary, the functions of the individuals bearing these titles will be essentially the same.

In this situation, you will encounter two major powers that a prison inmate is subject to, and a secondary power that under the right circumstances can override all contrary decisions and orders it finds necessary to override. It should be understood, however, that all of these powers work in unison. Seldom do they pit themselves against each other, and if they do and an inmate is caught in the middle of

such a political power struggle, it will not be with the inmate's welfare as the reason for the struggle.

The first and most important thing a prisoner must realize is that he is a meaningless body among hundreds of other meaningless bodies. No employee within an institution is going to stick his neck out for an inmate or go to bat for an inmate. It makes no difference if he is entangled in an injustice or gross misunderstanding. He is on his own, and the ensuing struggle that occurs is not with the inmate's interest in mind, but a flexing of allotted power, and sometimes a conflict of personalities among administrators. There are, of course, exceptions to every rule, and some ranking prison officials do have some degree of genuine interest in the individuals they are in control of. But even in such cases, there is only so much that they will do, simply because they will fear the loss of their jobs or some other form of retaliation, which could range from being put on an undesirable assignment or shift, to being held back from being considered for a promotion.

When viewing the structure and function of these different powers, do not get the idea that any one of them will try to work with an inmate against another power structure. Prison inmates are like any other commercial product. They are the commodity that justifies the employees being paid for their presence. There will seldom be a personal commitment found in the performance of duties, and caring is not required from corrections officials.

In the case of prisoners, it goes beyond a lack of caring; it is a case of animosity. Most prison employees dislike prisoners. People do not get jobs in the corrections industry because they are interested in the work, they get jobs in prisons because they were unable to retain employment elsewhere, and because they know the standard of performance that is required of them is much lower than in a conventional commercial enterprise. As a whole, they are lazy, uneducated people who are just trying to keep food on the table. They have no initiative and no motivation to do anything significant with their lives, and they find that working in the corrections industry allows them to draw a paycheck with a minimum of personal effort and demand. They have

to turn keys to open doors, listen to complaints, search prisoners' bodies and property, and walk here and walk there. When an inmate cusses one of them out for not wanting to open a door or perform some other function assigned to them, the animosity begins and grows from that point forward. What you wind up with is an employee that is in control of hundreds of men who have to depend on him to function in a specified capacity and the employee hates the individuals collectively and performs his job poorly if at all.

The employees with the rank and the white shirts have to do paper-work and take responsibility for the operation of the institution, and they take offense when an inmate causes them to do additional paper-work or make a difficult decision. The resulting effect is that inmates become aware that they cannot get even trivial things done that are necessary, and administrators take offense at their demands on the employee to do his job. Conflict is imminent. Whether it is resolved by negotiations, violence, or added security procedures to curtail the incidence of violence, conflict and animosity ensues. Combine that with the implication of two major and one secondary power, and you have a mass of confusion that is unresolvable by the inmate who is caught in the middle. Ranking officials will be unreasonable and unwilling to consider any facts that an inmate may present because of the preconceived notion that the inmate is wrong, and/or will lie, trick, and deceive at every opportunity, and these conclusions are born from the animosity.

Of course, it would be completely unrealistic to assert that all inmates are honest upstanding citizens and are innocent of all accusations made against them concerning their behavior inside the institution. The fact is, however, that many of them do make a genuine effort to remain free of infractions and do try to improve their lives, but when confronting two power structures, both of them with an ingrained dislike for the inmate, and both powers assured within themselves that everything an inmate does or asks for is for some fraudulent or illegal purpose, any effort an inmate makes toward self-betterment outside institutionally structured programs is almost always futile. One or the

other power structure will interfere if they did not design the program. The inmate is to be controlled, not allowed to be self-controlling, and all the explanation in the world of the intent of his efforts will fall on deaf ears. The inmate is a prisoner, he is disliked because he is a prisoner, and the more contact he has with ranking officials, the more he will be disliked.

It will help a prisoner to understand the function and structure of these major powers, and the following analysis will give an account of their operating procedures, duties, and general effect on the prison population.

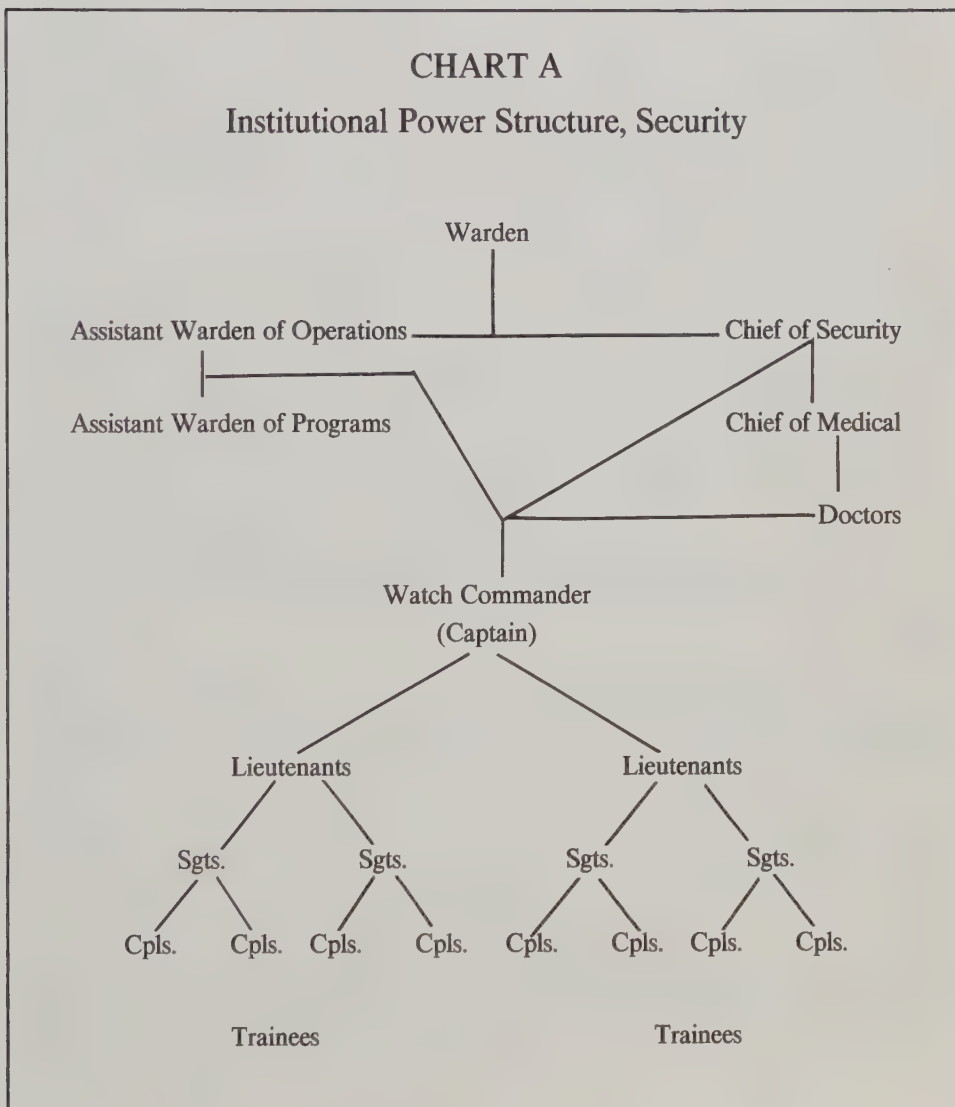
Security

Please observe Chart A. You will note that at the top is the warden. His decisions cannot be overridden by any other administrator or security officer. This position is referred to as *Superintendent* at some institutions.

Every position listed beneath the warden is merely an extension of his own hand. They are the warden's staff, his designees. The warden's role in an institution is to oversee the functions of these lesser offices, and direct their personnel in instituting and enforcing his rules and decisions. Often inmates approach a warden or superintendent with a complaint about the operation of the lesser offices, and the better educated wardens will listen and assure the inmate that the problem will be looked into. Wardens generally try to appear to take a back row seat and disclaim any responsibility for the actions of other staff members when it comes to inmate inquiries, but be assured, he is fully aware of all that is going on, who is involved in what, and probably knew he was going to be questioned about it. What other security personnel do not tell him, the inmates trying to make points with him will.

At some institutions, the warden will not walk among the inmate population, at others he will make a periodic appearance to extract whatever information is available to him and to check reactions to new

or altered policies. When he is approached and asked to address a problem issue, he will pull out a pad and pen and write a note assuring the inmate that the problem will be looked into. One out of a hundred times a resolution will come about. If a warden repeatedly countermands policies that are in effect, or reprimands officers for stepping beyond their authority, they look upon this as allowing the inmate to have a degree of control over his environment, and that is precisely what a prison does not want.



Prison administrations want inmates to feel that they are in a helpless situation with no recourse for anything that is done to them or done to affect them. By this, the administration retains complete control of the population, or at least that's the way it appears to most inmates. Privileges are given to have something to take away, and such privileges work as a control mechanism, and in fact they work quite well. Bear in mind that the warden is pulling all the strings locally, and the staff below are merely puppets. Whatever authority is allotted to the lower offices, the warden will seldom countermand, even when the authority is abused and exceeded.

Next in the line of power are the assistant warden of operations and the chief of security. The chief of security has a uniform rank of "Major." The men in these two positions share a nearly equivalent power, and their joint responsibility is to propose, institute, enforce and oversee matters of safety and security within the institution.

Security is the most abused office in a prison. In institutions where security has exclusive control over the population and operation directed from these two levels, it is locked down most of the time, and is consequently the most violent. The more often security flexes its authority, the more dangerous an institution becomes. You must certainly have heard that a chained up dog is the most vicious and it is true. If you let a dog run free, he will only attack someone if he feels he is in danger. Yet if you chain that dog to a tree and approach him, he is likely to attack the hand extended in front of him even if it is holding food. So it is with man, and more so because of his free spirited nature.

In some men, their spirit is broken in time; in most, it becomes stronger. The tighter a man is squeezed, the harder he will fight to be free of the grip, and this is where security actually creates many of the problems that occur in major institutions. Riots are almost always the result of pressure upon a prison population by security, and seldom the result of a single circumstance. Much of this comes from incompetent officials who overreact to institutional problems. For example, at one institution, a hot water thermos was recently found to have been used to make homemade wine in. Security's first reaction was to halt the sale of thermoses through the commissary. The problem was not in the

thermos, and in this particular institution, there is no hot water plumbing in the cells, and the thermoses are used to carry hot water to individual cells for the purpose of washing, making hot coffee, tea, etc. With the thermos, water can be kept hot for a period of hours for later use. Without the thermoses, the inmates do not have hot water available to them in their cells. The result of the reaction by security to having found the wine in the thermos is that hundreds of full grown men are unable to buy a thermos and have hot water available to them in their cells. Instead of reacting to the individual or individuals involved in the infraction, security is punishing the entire population needlessly.

It is actions like these that begin the incubation process of a riot. When a number of such incidents occur and men get tired of having simple things taken away or denied to them, they will complain, and eventually resort to violence. When the cause of the riot is related to the news media, the administration will say that the riot was caused because wine was confiscated, or that ridiculous demands were forwarded to the administration and the riot occurred when the demands were refused. Prison spokesmen will never tell the truth about any of the problems that occur. They have to be sure that the inmates are wrong in the eyes of the media to justify the higher security measures, more high security institutions being built, more raises, more personnel being hired, etc., etc.

The major and the assistant warden will closely scrutinize any new programs being brought into the institution, and halt them or impose special security regulations on the operation of a program. When something goes wrong during such a program, such as an escape, the smuggling in of drugs or other contraband, these two administrators will be held responsible for the incident. Consequently, they will be as rigid as possible, either including unnecessary extremes in searches, or deciding that the program is too dangerous as presented and refusing to allow it. In such cases, the warden may, if he chooses, review the decision and suggest changes to make the program more suitable, or he can override the decision to void the program and allow it anyway. The chances of an override are very slim, but I have observed it to happen.

Between the warden, the assistant warden, and the major, their job is to inspect all security procedures and be sure that they are consistent with the number one priority of all penal institutions: keeping the prisoners inside the walls of confinement, and keeping the staff free from violent attacks by prisoners. Because of security, and here specifically the assistant warden and the major are charged with this responsibility, they have the option at any time to lock up an individual inmate in a segregation unit for investigation of allegations, or to lock down the entire institution if they so choose. With this authority, security has irrevocable power in the absence of the warden, and will often abuse it. Any one of these administrators may at any time impose any security measure they choose, and they have the authority to execute it through commands to watch commanders or other officers employed at the institution.

Sharing a nearly equal power, even to the warden in certain cases, are the chief medical officer, and the chief psychologist, who falls under the medical department authority. If an inmate becomes ill and needs medical attention, the medical department can order him to be brought to the clinic, and that order cannot be refused. If the chief medical officer decides that a health problem exists that cannot be treated at the clinic on the prison grounds, he may order that the inmate be taken to a local hospital immediately, and that order takes precedence over all security measures. Security, of course, will escort the inmate to the clinic or to the hospital as ordered, and utilize whatever precautions they feel are needed during the transport process, but security cannot refuse to comply with the order. Medical emergencies override all security orders to keep an inmate confined to segregation, isolation, or any other security level. They do work together, and getting medical to do anything is as near to impossible as it is to get a parole, but the power is there to be used if the medical department decides to use it.

Somewhere between the previous level of security and the watch commander of the shift is the assistant warden of programs. His job is to inspect and institute programming of all natures. School programs, religious functions, and other prison-sanctioned organizations have their programs approved by this administrator before reaching any other level of security. Any special functions, especially those involving outside guests, will have to first meet the approval of this administrator,

and he will be working within the security format in considering allowing any new program. As a rule, what the assistant warden of programs approves will eventually be instituted, and security will add whatever precautions are necessary, but once past this administrator, most programs will be approved. He is also in charge of approving or disapproving specific programs for the inmate on an individual basis. Security changes in custody, good-time-earning categories, and job changes are all supervised by the assistant warden of programs. An inmate leaving a segregation unit back into population must pass the approval of the administrator, and it is within his authority to remand an inmate back into segregation if he chooses.

The assistant warden of programs is very powerful inside an institution, and actually, with his decisions on good-time-earning classes and levels, has the power to shorten or lengthen the time before an inmate sees the parole board. If an inmate is eligible to receive twenty days of good time each month and is currently earning ten days of good time each month, the change into the higher good-time-earning bracket must be approved by the assistant warden of programs. He can refuse to grant it if he wants to, and that means losing 120 days per year off an inmate's sentence. As the figures are calculated, half of the time earned comes off the parole eligibility date, and half comes off the length of the term of parole, but even so, there is two months of prison time at stake, and this administrator is in control of approving or disapproving the change. He can also drop the inmate a bracket in the custody and/or good-time-earning level if he chooses.

Next in the line of power is the watch commander. He is a captain in rank, and is in control of security and all operations on his shift. In the absence of the warden, the major, or other chief administrators, the watch commander is in full control of the institution. During normal daylight hours (8:00 A.M. to 4:00 P.M. shift), the watch commander is still in full control of the institution unless directed by a higher authority to execute some optional command or procedure. The normal flow of the institutional operation is in the hands of this officer. Like the higher administrators above him in the line of power of the security structure, he too can order the lock-up of any inmate at any time, and order the total lock-down of the entire institution if he can justify his actions by procedure.

The next in the line of power are the lieutenants. They will have a general area assigned to them to act as supervisor over sergeants who are assigned to the same institutional area. The lieutenants and sergeants both act and function in supervisory capacity, but the lieutenants have the closest contact with the sergeants, and the sergeants have the closer contact with the regular officers and with inmates. Lieutenants basically function as an extension of the watch commander's office reporting routine deviations from normal operating procedure directly to the watch commander.

Finally, the officers who actually do the majority of the physical work of shakedowns, turning keys, and making close observation of inmates are the officers with the ranks of corporal, private, and the new officers who have no rank at all and are going through the training process. They are the employees whom the inmates have the most contact with. As a rule, they are the least worrisome because they have to have the most contact with the population and can see more clearly the problems that exist in the daily lives of the men in the population. The exception is when such an officer is trying to get the rank of sergeant, or they have developed an attitude toward inmates. In either case, they will try to stand out by making busts and writing charges for any variety of institutional infractions ranging from drug possession to petty contraband charges such as being in possession of too many pairs of socks. We will explore "contraband" as an institutional infraction later in the text.

Administrative Committees

Observe Chart B. Basically there are only three committees an inmate has to deal with: The Central Classification Bureau, the Institutional Classification Committee, and the Adjustment Committee. Above these committees in power, but not likely to act against their decisions are the Director of Corrections and the Regional Administrator.

The Director of Corrections has irrevocable authority over the penal system in state jurisdictions, barring, of course, the Governor of the

state, who will never interfere with his decisions. All powers of authority within the Department of Corrections in a state are subject to the Director of Corrections. The Regional Administrator, the Central Classification Bureau, the Institutional Classification Committee, and the Adjustment Committee are extensions of his power and are acting on his behalf.

CHART B Administrative Power Structure

Director of Corrections

Regional Administrator

Central Classification Bureau

Institutional Classification Committee

Via: Request Through Counselor

Periodic Reviews 45 Days, 90 Days

Adjustment Committee Referral

Security Action: Investigation, Prehearing Detention, Etc.

Adjustment Committee

Via: Infraction

I.C.C. Powers 1. Raise or lower custody level

2. Raise or lower good-time-earning level

3. Raise or lower point level

4. Approve or disapprove transfer requests

5. Approve or disapprove job change requests

6. Assign job to unemployed inmate

7. Assign to higher security (lock-up)

8. Assign to lower security

(Normal ICC Reviews, #1,2,3,8)

Provoked Reviews: Security Lock-up

Prehearing Detention

Administrative Investigation

Inmate Request for Protective Custody

Transfer of Job Change Requests

The wardens of the institutions in the state, his assistants, and the chief of security at each institution are also under his authority. An inmate will have no contact with the director unless he writes to him, and then his letter will be directed back to the institution from where it came or to the Regional Administrator. The Director's job is to function in a supervisory capacity over the wardens of the institutions and the committees, and he will have little to do with a single inmate. His primary concern is policy and procedure, and the adherence to both, and in this capacity, his priority contact is with the Regional Administrator and the Central Classification Bureau.

The Regional Administrator is the Director's right hand man, and somewhat of a shield functioning to screen out issues which can be resolved without taking up the Director's time. Guilty verdicts on charges that are appealed to the next authority over the warden of the institution go to the Regional Administrator. Decisions of the Institutional Classification Committee and the Central Classification Bureau may also be appealed to the Regional Administrator. Acting directly on behalf of the Director, the Regional Administrator oversees the functions and actions of wardens and their staffs in administrative and procedures and actions. There is only one higher authority, the Director himself.

The position of Regional Administrator is one of great power. He can act on behalf of an inmate complaint if he so chooses, but letters sent to him are generally forwarded to the warden of the institution if the complaint has not been processed through the inmate grievance procedure. Like the office above him (Director), the Regional Administrator is kept busy with the business and complaints of a number of institutions, and will seldom give audience to a complaint that has not reached his desk through the proper channels, and that procedure is to file a formal grievance. The grievance will go to the Grievance Coordinator at the institution where it is filed, and a response will be negotiated and subsequently forwarded to the inmate. If the response given is not satisfactory, the grievance may be appealed to the warden of the institution. If the complaint on the grievance is of major implications, neither the warden nor the Grievance Coordinator will render satisfactory solutions. The coordinators are in constant and direct communication with the warden on major issues

at all times. He has already been informed of the complaint and has directed the coordinator on how to respond to the complaint. When the grievance is appealed to the warden, the response will be a near carbon copy of the coordinator's response. At this time, the inmate may appeal the decision to the Regional Administrator, whose opinions and decisions will be less influenced by the circumstances peculiar to the institution from which the complaint originated. This, of course, does not guarantee results, but it does give the inmate a little better chance at getting an unbiased decision, especially when appealing guilty verdicts on charges. As a rule, any attempt to secure the intervention of the Regional Administrator without going through this process will backfire.

The Committees

The Central Classification Bureau

The Central Classification Bureau functions as an overseer to the actions of the Institutional Classification Committees (ICC) in the entire prison system. Any recommendations from the ICC with regard to transfers, custody changes, good-time-earning status changes or awards, or major infraction releases from segregation must be approved by the Central Classification Bureau (CCB) before they are put into effect or considered final. If the CCB does not approve any such decisions handed down from the ICC, they will direct the ICC to again review their decision and come up with another one, sometimes giving the ICC direct orders to institute a specific action. For example, if an inmate has been charged with a major infraction and has done "X" number of days in isolation for it, the ICC is often recommended to review the inmate's file by the Adjustment Committee before releasing him back into the population. If the ICC review concludes that the inmate should be transferred, the CCB must review the decision and approve it. If the CCB decides that the inmate should remain at the institution he is at, they will notify the ICC that their decision to transfer the inmate has been turned down and that they must make another decision. The inmate would then have to appear before the ICC again and discuss an alternative action, and the ICC will resubmit the new decision to the CCB.

This process is sometimes used to keep an inmate confined in segregation for an extended period of time, and it is not uncommon in circumstances involving an assault on an officer or an attempted escape. This is, of course, a violation of the inmate's right to due process and to be free from cruel and unusual punishment, but it's part of the game and that's the way they play it. The process is maintained by responding to a complaint of such actions with the reasoning that "paperwork is in process" or "we're waiting on a decision" etc., etc. Not very witty or overly clever, but effective.

The CCB also has the authority to make decisions about a particular inmate without any actions or recommendations from the ICC or the warden of the institution where he is being held. In one case, an institutional population was completely overturned in a matter of one month. Once, and sometimes twice in a week's time, fifty or sixty men were put on buses and taken to other institutions in the state, and later the same day an equivalent number of men would arrive from other institutions to take their place. All of this action was taken without notifying any of the inmates being transferred until the night before the move was made, and all of it without a hearing before the ICC at that particular institution. CCB does not need the approval of the ICC, but the ICC does need the approval of the CCB on all major decisions. Letters from an inmate to the CCB are generally answered, but the responses will always be bland and noncommittal.

The Institutional Classification Committee

The Institutional Classification Committee is the one committee that an inmate will have regular contact with. Periodic reviews are scheduled of an inmate's file which vary in time from prison system to prison system. Generally these reviews are conducted every forty-five days in the inmate's absence, and every ninety days in his presence, at which time he may make statements of relevance to the committee concerning any programs or progress he feels would interest them.

The ICC has the following powers: they can raise or lower the inmate's custody level, raise or lower his good-time-earning level, raise or lower his custody point level, approve or disapprove transfer requests, approve or disapprove job change requests, assign an inmate

to a job if he does not have one, assign the inmate to a higher security level, or assign an inmate to a lower security level. The decisions of the ICC, as we have already mentioned, may be revoked by the CCB, but these decisions carry a considerable amount of weight within the department of corrections.

Normal ICC reviews occur every forty-five days, but additional reviews may be provoked by the incidence of an infraction (major offense report) being written on the inmate and the Adjustment Committee Chairman issuing an ICC referral because of the action. Additional reviews may also be provoked by the incidence of security assigning an inmate to segregation for protective custody or administrative segregation for any other reason, which would include suspicion of being involved in an infraction, or suspicion of plotting to be involved in an infraction. Usually this comes about when the administration receives an anonymous note stating that an inmate is involved in an escape plot or some collusion that is considered infractionary behavior. Sometimes a direct oral statement is given to security that the inmate is involved in some such action, and the same action would be taken by security. When such an incident occurs, the inmate must be taken before a panel of the ICC within a specified amount of time and informed of the nature of the administrative segregation order, and the ICC has the power to release the inmate back into the population if they choose, but this never happens. Security will state that they are "investigating" the accusation, and the inmate will be held in segregation until the investigation is concluded. As a rule it is a ninety day stretch, but the investigations can last anywhere from one month to a year, and the ICC is then without the power to release the inmate until security has concluded their investigation. There will be no hurry to complete this investigation, and usually, there is nothing to investigate. Putting an inmate in administrative segregation under "investigation" is a tool prison authorities use to keep an inmate locked up in the segregation unit because they think he is involved in some infractionary behavior or has gotten away with some infractionary behavior.

Often the investigation clause is applied as a tool of retaliation against an inmate for putting pressure on the administration. The tool

is also used by the slimy type of inmates. At times, inmates will write a note or orally accuse another inmate of an escape attempt or some such action to cause security to lock him up. Often the reason for this is that the accusing inmate owes this individual money and cannot pay it, or is being pressured by him for other reasons. By making the accusation, the accused inmate is taken out of the population and put in segregation thus alleviating the "snitching" inmate's problems with him.

It is also a tool utilized by competing drug dealers on a prison yard. If one inmate has a better product than another, the inmate selling the lesser quality product will lose business. The latter inmate may drop a note to security advising them that the other inmate is selling drugs. Generally, security's first reaction is to do a shakedown of the inmate and his cell, but sometimes they will lock him up under investigation even if they don't find what they were looking for. This eliminates the "snitching" inmate's competition and allows him to resume his business freely again. The Institutional Classification Committee's part in this is that they are fully aware of what security has found out about the inmate, and will work with security by keeping the inmate locked up if that's what security wants to do. The ICC and security do work together in a complimentary fashion, and combining ICC power with security's power makes for an awesome foe to contend with from the inmate's standpoint.

The Adjustment Committee

The Adjustment Committee functions as a court within the institution. It is comprised of staff members and hears the merits of any infractions that are written against the inmate. If, for example, an inmate's cell is shaken down by security and a weapon is found, the officer who finds the weapon will write a formal "charge" against the inmate using a specified form. One copy of the charge goes to the inmate. Another copy is sent to the Adjustment Committee Chairman to schedule the charge for a hearing. The inmate is notified of the charge, a date is set for the hearing, and he is given the option of calling witnesses and requesting an inmate or staff advisor to represent him at the hearing as a defense counselor.

At the hearing, the charge will be read by the Adjustment Committee Chairman and the inmate is asked to enter a plea of guilty or not guilty. If a plea of guilty is entered, the Adjustment Committee Chairman will review the inmate's institutional record for the past six months and impose a penalty that starts at a minimum of a written reprimand, and could be as much as a number of days loss of good time and/or time spent in an isolation unit. (Isolation and Segregation Units will be described later in the text.) The Adjustment Committee Chairman also has the option to refer the inmate to the Institutional Classification Committee for a review of his file with reference to behavioral patterns during the previous six months.

If the inmate is sentenced by the Adjustment Committee to Isolation time, he will be automatically put into a segregation unit when the isolation time is up to await review by the Institutional Classification Committee. The ICC can opt to release the inmate back into the population or decide not to take any action at all concerning his segregation status which would mean that the inmate would remain in segregation until the next scheduled review, which would be in forty-five days, and as we have already discussed in the section on the ICC, there are other options available to the ICC in handling the inmate's situation.

If the inmate pleads not guilty, the reporting officer who wrote the charge will be asked to describe the offense. The Adjustment Committee Chairman and members will question the reporting officer to clarify any questions they may have concerning the charge, and the inmate or his advisor is also given the option of questioning the reporting officer about the charge and what lead to the writing of it. There are guidelines written and used by the prison administration designed to afford the inmate "due process" in the course of the hearing, but none of these are followed if they would result in the dismissal of the charge. Generally, when staff members are requested by the inmate to appear at the hearing for questioning, the Adjustment Committee Chairman will secure a statement from the staff member stating that he or she "knows nothing" about the charge and the witness will then not be required to appear. Often the evidence is not produced at the hearing but the inmate will be found guilty anyway, and when an

inmate points out a procedural error, this is not considered by the chairman.

The accepted policy and the format for conducting the hearings is to assume that the inmate is guilty or he would not have had the charge written against him. In one case, an inmate's cell was shaken down by security and a paperclip was found on his locker. One of the officers doing the shakedown wrote him a charge for possession of contraband. The inmate had received the paperclip from the counseling and treatment center two days earlier through the institutional mail. It had been holding a group of papers together. At the hearing, the inmate relayed this information to the Adjustment Committee. He was found guilty of the charge.

In another incident, an inmate's cell was shaken down and two handballs were found in his cell. At the hearing, the staff recreation officer testified to the Adjustment Committee that he had given the two handballs to the inmate and that he was allowed to keep them in his cell. The Adjustment Committee found the inmate guilty of possession of contraband and ordered that he serve fifteen days in isolation.

These are not uncommon occurrences, and some are much worse. One particular incident will be recounted in detail later in the text to demonstrate another issue. These incidents are consistent with the purpose of the control mechanism used by prison administrations: to make the inmate feel that he is totally helpless, that right or wrong, he is wrong. As for the helplessness, that is, in all practical considerations, a painful truth for most inmates.

3

The Prison Experience: Day One to Day Ninety

After a prisoner in jail is convicted of a felony, he will await a sentencing date, during which time a pre-sentencing report will be ordered and formulated by the county probation department. The time lapse between the judgement of conviction and the actual day of sentencing varies greatly, but averages in the neighborhood of five weeks. Once the court has imposed a sentence of commitment to the state (or Federal) prison authorities, the prisoner is then the property of that jurisdiction awaiting transport to the Department of Correction's Receiving and Classification Center. At the present time (early 1989), most prisons are overcrowded, and it would not appear that a change is planned for any time soon. The convicted felons will often spend months in the county jails waiting to be taken to the prison receiving centers, and some counties have filed suits against the state to force them to move the prisoners out of the jails once they are convicted, but the states are unable to comply because the systems of prisons are so overcrowded. The back-up of convicted prisoners in the jails is causing overcrowding problems in the county jails, and the prisoners convicted of felonies and sentenced to prison are caught in the middle. Although prisons are not what one might consider "comfortable," they

are far better than sitting in a county jail. New prisons are being built, but not at a sufficient rate to accommodate the influx of new prisoners.

Awaiting transport to the Receiving and Classification Center will be a trying experience. The convicted prisoner will become “burned out,” so to speak, on the routine at the jail and will be more than ready for a change of scenery and procedures. Jails are generally set up to confine, not to provide any type of entertainment or recreation, and sitting in a county jail for months at a time with little to do and exceptionally poor food will create a great deal of tension and frustration for the inmate. The jail will represent a stressful period in the inmate’s life, and he will want to get away from it as quickly as possible to put the prosecution process behind him and get on with his life, whatever value it may still have for him. As a rule, by the time the convicted felon arrives at the Receiving Center, he is so full of tension and stress that he is unable to function in his true character, and the routine and processing at the center will do little to alleviate and relieve the frustrations.

When the convict does finally get into the Receiving Unit, he will become acquainted with the fact that he is considered somewhat of a vegetable going through a processing plant in the manner in which he is passed through the initial stages of preparation for his stay with the department of corrections. Whatever property he has with him will be thoroughly searched, and he will be unable to keep certain property he has brought with him. Some Receiving Centers will take all of a man’s cigarettes with the reasoning that contraband or drugs may be hidden inside the packs, and cosmetics are often confiscated for the same reason. He will have the option in most cases to send the confiscated property to a street address of his own choosing, at his own expense, with the alternative of allowing the center to trash the items. Some Receiving Centers limit the number of photographs that may be brought in, and others will not allow any property at all other than legal papers.

The convict will then be required to strip down to his birthday suit in front of a small audience of inmate employees and staff, and be told to take a shower. In one prison system, a new arrival is sprayed with vinegar *after* he is showered and is not permitted to wash the vinegar

off until the next day, so he walks around for 24 hours smelling like a salad with Italian dressing on it. Vinegar is fine on some foods, but the inmate will find that it makes for a sour stomach after smelling it all day and all night. The smell will get on his sheets and will stay there until the following week when sheets are exchanged.

After the shower, the inmate will be given a set of clothes that do everything but fit, and he will be given one extra change of outer clothing. He will also be given two additional pairs of socks and two additional pairs of underwear, along with two additional tee shirts; this is one week's issue of clothing. Whose conclusion it is that a grown man can go for a week on that amount of clothing is never stated, but the inmate will have to make do with it. He will also be given a pair of state issue shoes that are extremely hard and uncomfortable.

With clothing issued, the inmate is then taken to a cell block with 120 open-front cells in it and locked inside one of the cells. Inside the block, locked in the other cells will be 119 other inmates, the majority of which will be talking to other inmates in cells across from them or next to them, the result of which is a mass of confusing sounds. There will be a half dozen inmates whistling, and another half dozen singing. There will always be at least one nut who screams constantly and tries to talk louder than everyone else; none of what he is saying will make any sense, but everyone in the block will have to listen to it. There will also be at least one guy who likes to beat on things — lockers, walls, whatever, and that noise will be a part of the confusion. If the new inmate needs some quiet time, he is out of luck.

For the men who have families, especially wives or girlfriends, they will want to call them and let them know where they are at to arrange for visits or just to talk. In many Receiving Units, that will be impossible. The new inmate is on quarantine status and is not permitted contact with the free world except by mail, and the time of quarantine status can last anywhere from three weeks to three months, depending on how many times the medical department or counseling department loses his paperwork. The quarantine status lasts until the completion of an assortment of medical tests and psychological evaluations. The tests must be completed and the paperwork on them forwarded to the inmate's assigned counselor before being taken off quarantine. If one

of the required test results are lost, the visits will be withheld as well as telephone privileges.

For the new inmate, being cut off from everyone he knows will have a deeply depressing effect. He will be in a strange environment, being ordered to do this and do that, don't do this and don't do that, and he will be in a state of confusion and alienation. At such a time, he will need as much moral support as he can get, and the Receiving Unit administration will be careful to see that he doesn't get it from them or from anyone else.

The first couple of days are the breakdown process. The inmate's individuality is suppressed, and petty regulations are pushed at him to tactically condition him to "fall into place" as an inmate with nothing to say about where he is or what he does. An example of such a regulation is that an inmate is required to have his shirt tucked in and buttoned up to within one button of the collar before entering the chowhall. If he enters the chowhall without his shirt tucked in and buttoned up according to regulations, he will be written a major infraction charge and be subject to disciplinary action. The time spent in the chowhall at the table is fifteen minutes. After fifteen minutes, a whistle is blown or the inmate's tier number is called. At the sound of the whistle or when the tier number is called, the inmate must get up, dump his tray, and leave the chowhall whether he is finished eating or not. Failing to follow this regulation, or any regulation, will subject the inmate to disciplinary action. Some Receiving Centers have a limit on the length an inmate will be allowed to wear his hair. If the length of the inmate's hair exceeds the allowable limit, he must submit to a haircut. If he does not submit to the haircut, he is forced to the floor by whatever number of guards it takes to bring him down and his hair is cut with a pair of scissors. After the forced haircut, the inmate is taken to the hole (segregation confinement) and then given a written charge. If he decides to fight back and strikes one of the guards, they will subdue him with nightsticks and prefer charges to the local district attorney. The inmate will get a formal court trial, be convicted of the assault, and get more prison time for each assault.

In the first two weeks, the new inmate will undergo a series of medical and psychological tests, and his educational level will be evaluated by state-sanctioned evaluation tests. A psychological profile

test will be given with no apparent attention paid to the fact that the new inmate is probably completely depressed and not able to think clearly, and his attitude toward people, having just been through a prosecution, will be at the very least paranoiac. These test results will become a permanent part of the inmate's records for as long as he is a ward of the department of corrections. Medical tests will include blood tests, urinalysis, tests for venereal diseases, and other common standard health tests. Special medical conditions will be considered at this time, and any prescriptions that the medical department feels are necessary will be given. The inmate will be assigned a counselor whose job is to do additional evaluation of the inmate and to assist him in whatever special social problems he may be having. The inmate should not expect anything from the assigned counselor. As a rule, this person is trying to do his or her job with as little effort as possible, and the inmate will again encounter the indifference a prison administration has for him as an individual.

When all the medical and psychological tests have been completed, the inmate will then meet with a psychologist who will interview him and develop a further profile of him as an individual. The psychologist's evaluation will be considered by the Central Classification Bureau when determining what type of institution the individual should be assigned to. The inmate will also be questioned about the crime he was convicted of and his responses will be entered into his central file.

The evaluation process takes an average of three weeks, but the situation of overcrowding in the penal systems will delay transfer to the institution he will be ultimately assigned to. A stay in a Receiving Unit may be as long as four months even under normal conditions. In cases where the inmate is considered to be dangerous or an escape risk, the time could be longer.

Once an inmate is through the processing stage, he is generally given more privileges which range from more time out of his cell to time on an exercise yard. During the quarantine phase of the processing, the great majority of the inmate's time is spent either in his cell or waiting in a long line to get through a phase of the processing. When this processing is completed, some of the pressure on the inmate will be relieved.


Visiting procedures in Receiving Units are very strict, and are limited to members of the immediate family in most R & C Centers. Little, if anything, will be permitted to come through the mail that is not a mere letter. Even photographs are not permitted at some Receiving Centers.


The guards at Receiving Centers will take full advantage of the inmate's disorientation. They will present a front of being hard guys and push as much petty crap on an inmate as possible. The same actions and attitude would get the guard a good fight in the main population, but at Receiving Centers most inmates will not know what to expect from one moment to the next, and will therefore be less demanding of personal respect. The indoctrination of Receiving Units doesn't last, and soon the convict regains his identity, but the effort to keep the individual from being an individual will be encountered throughout a man's stay in prison.

When the inmate arrives at the institution he is assigned to, he will encounter a different atmosphere altogether and a different set of living rules. Each institution has a secondary set of priorities different from those of other institutions. Some institutions may be especially watchful over movement of inmates within the work and recreational areas, other institutions may place more emphasis on controlling housing units. Past problems at the particular institution will be a heavy influence on the choice of stress points. There are some institutions that require an inmate to have a written pass to travel from a housing block to a yard or other recreational area. In these types of institutions, an insignificant piece of paper marked "pass" is required to get out of the housing area and into another location of the institution. Once the pass is written, there is seldom a record kept of it, and it serves no purpose other than to complicate movement. Other institutions require passes only when going into areas that free employees occupy, such as counseling areas, medical, etc., especially where females are working. A "free" employee or "civilian" employee means an employee who is working at a correctional facility who is not a uniformed guard, or "officer" as they prefer to call themselves.

The older the institution, the better it will be for the inmates, especially when it is being run by older, more experienced staff

members. Experience in working with inmates allows the guards and chief administrators to handle situations without overreacting, and many of the petty rules and regulations will have been dispensed with. New institutions always go through a process of what one might call counter-conditioning. This is when the inmates, being subjected to petty regulations and irritated by guards and administrators who are inexperienced with how far they can go, give them a taste of the wrath of men pushed beyond tolerable limits, or, in other words, a prison riot. Damage to the institution is always the result, and guards are almost always injured in the process, sometimes killed. After the first or second time a riot breaks out at a prison, the big boys downtown get the message that the administration needs to be changed, and they shuffle the department heads around in an attempt to settle the cause of the outbreak. An inmate coming from a Receiving Center is likely to be put into a newer facility because he will be less demanding and a bit more apt to endure some abuse than an older convict who has been locked up for a number of years.

 The new arrival to an institution will be given an orientation in a formal setting by staff members, and will be introduced to whatever programs are available to the inmate, and in most cases will be given a rule book governing the major policies at that institution. At this orientation, the inmate will be told to report any problems he has with other inmates directly to an officer, but they won't tell him that, at most major institutions, making such a report will get him killed if he goes back into the main population afterwards. The orientations are patently unrealistic in their treatment of how to get along with other inmates, but it pays to go to these orientations to learn about the peculiar security policies stressed, and other policies governing the availability of the law library, mail handling policies, and lists of allowable personal property.

 The issue of the danger of homosexual activity is so tactfully discussed that it is amusing, especially to a man who has been locked up for years, but the subject will be brought up, and the inmate will be advised to report any incident of homosexual advances directly to an officer. He will be told not to strike an inmate for such an advance. The new inexperienced inmates will listen to the advice very attentatively, while the transfers from other major institutions will

either make an effort to keep from laughing, or slouch down in their seats and try to get a nap during the conversation.

What type of institution an inmate is assigned to will depend on his crime of conviction, his age, any record of assaults while in confinement, and whether the assaults have been committed on other inmates or on guards or other staff. A history of escape or attempted escapes will weigh heavily in administrative decisions on where an inmate is to be sent to serve his time; so will previous prison terms that have been served. Maximum security institutions are generally populated by men who have long sentences to serve and/or escape attempts or convictions and, of course, a history of assaults will direct a classification panel to confine the inmate under maximum security conditions. Medium security institutions generally house inmates who have lengthy prison sentences but have a substantial portion of their sentences already behind them. The medium security facility will also house men with lesser prison terms and less serious crimes. The minimum security institutions and road camps are exclusively for inmates who have seen the parole board once or twice and are close to receiving a parole. Road camps and other such minimum security facilities also house inmates with very short sentences.

Road camps, when an inmate can get assigned to them, are a quick way out of most prison systems, but the inmates who are there are subjected to lengthy work hours and a minimum of extra programming. They are set up as work camps and are run as such. The purpose of the road camp is to provide labor for the maintenance of roads and adjoining areas. Road camp inmates dig ditches, clear irrigation trenches, and generally furnish labor that the highway department doesn't want to be bothered with because the task is too time consuming or dirty. An inmate serving a long prison sentence would not find a road camp or even a medium security facility very comfortable. The staffs at these institutions are low grade personalities that are used to handling inmates with very little self-respect. Consequently, the staff there will treat the inmates accordingly. A man with a substantial number of years to do would quickly get burned out with the petty rules and attitudes of the administration, and would either escape, or ultimately hurt one of the employees and wind up catching more

time for it. School and vocational projects are at a minimum at road camps, as are recreational facilities.

The maximum security prisons are also used as a disciplinary tool by the medium and minimum security facilities. If an inmate repeatedly gets charges written against him at a medium or minimum security institution, he will most often be transferred to a higher security facility, and usually straight to a maximum facility.

Realistically, one specific institution or one custody class of institution is not much different than another. Each will have its good points and its bad points, and depending on how an individual does his time, the maximum security prison may be the best place for him. Where they contrast most is in the visiting procedures and the effect the location has on the parole board. Road camps tend to be more lenient about physical contact than medium facilities, but many of the maximum facilities are more lenient than the medium facilities. At the minimum facilities visitors are often allowed to bring food into the visiting rooms, where at medium and maximum facilities this is generally not allowed because the administration fears that drugs or weapons will be hidden inside the food.

In the inmate's first ninety days, he will see the Receiving Center and his first assigned institution. He will get a mild exposure to administrative power, security power, and the daily routine of a prisoner's life. It will not be till later that he will have to confront some of the harder realities of prison living, but that is probably just as well, for the first ninety days will be filled with enough stress and demand for adjustments. The changes in living will be drastic, and this he will have to face while he learns to accept the fact that he is locked up, and that he is going to stay locked up until the people who are in control of his life decide differently. The new prisoner goes through a fantasy period where he knows in his mind that somehow he is going to be released very soon by the courts or by some other power. It is difficult to really face the fact of being incarcerated and not being in control of one's own life anymore. The prisoner eats what he is given or not at all, he wears what he is given or nothing at all, he is told when he can come out of his cell, when he must go back into it, and everything else. His daily life is almost completely structured for him, and he has

very little to say about it. To accept such a life is difficult, and very much so for those who are intelligent and realize that the people telling them what to do are incompetent.

There is, however, a final ingredient to this first ninety days that is even more difficult to face than all that has been discussed thus far. If a man has been locked up during the trial process, he will have been locked up for at least ninety days, and probably more by the time he arrives at the receiving center. To keep an emotional relationship strong through bullet-proof glass and letters is a task in itself, and for most men, by the time they leave the receiving center, six months will have elapsed, and the strain on the relationship between him and his wife or girlfriend will have taken its toll.

It is necessary to be very candid in discussing this issue. When a man goes to jail and ultimately to prison, he learns what love really is. He will know his own true feelings for his wife or girlfriend, because in her absence, he will either miss her in pain or be indifferent about the separation. He will also find out how much, if at all, his wife or girlfriend loves him. Most women will stay with a man in prison for about two months at the outside, and the relationship will be dwindling in strength during that time. What a man has to face when going to prison is that the woman he loves is going to be fucking someone else, and that eventually someone will replace him altogether. Perhaps two percent of the relationships will endure time. The rest of them fall away and the man is left alone. If a man truly feels a deep love for a woman, this is the most painful thing he can have to endure.

When the new prisoner is being processed through a receiving center, this stress will be added to everything else he is going through. The body is captive, the mind is undergoing pressure and stress, and finally, the heart suffers injury. When you have hit these three targets all at the same time, the misery is total. There is little more that could be done to an individual, except if children are involved in the loss. For some, the length of time he has been sentenced to is no longer significant, for the man has already lost everything he had. It is here that the strong begin to rebuild their lives, and the weak just throw in the towel and care for nothing, ever again.

4

Isolation and Segregation Units

We have already discussed how an inmate winds up in a segregation or isolation unit, and we understand it as a punitive measure that is a tool of the security and administrative factions of the power structure in a prison government. Here we are going to examine the physical conditions and the decor of these units, in an attempt to show what it might be like for the new, inexperienced inmate to be put into one of these units. Without a doubt, the routine and the complexion will vary greatly from one segregation block to another. Some are run in an almost medical fashion. Others are so filthy that a farm animal would be appalled. The older the institution, the more apt it is to be in the latter condition; this probably includes the majority of such units across the country.

In one institution in the western United States, the segregation unit could probably surpass the imagination of a fiction writer attempting to describe degradation at its most extreme. Rats and mice prowl a sewage ditch cut into the concrete next to the wall opposite the cells, and the mice sneak into the cells at night searching for food. One of the favorite pastimes of the men confined to this unit is to catch the mice and hang them from the bars in front of their cells. The activity

routine in that unit consists of a shower every nine days, and one every other shower day, two hours in a fenced-in yard with a concrete surface. Other than that, the men are confined to their cells twenty-four hours a day, seven days a week. There are no provisions supplied to clean the cells, the sink, or the toilet, and there is no hot water plumbing. A limited amount of personal property is permitted, such as legal work, letter writing materials, and some study materials. Limited commissary privileges are given, and as described in the chapter outlining Committee functions, the duration of the confinement to this unit is determined by a panel of staff members, but the norm is a one year commitment right off the bat. The inmate sits in chains in front of the committee that makes the decision.

On the other side of the continent, on the south eastern border, conditions are not as extreme, but are comparably humiliating. If, as an inmate at this institution, you were taken off the population and put into the segregation unit, the experience would go something like this: According to whether or not the security staff considers you dangerous, anywhere from two to ten guards will approach you in the cellblock and advise you that you are being “Locked up,” with a minimum of an explanation provided. They are there to take you to the segregation unit, and that’s where you’re going to go, one way or another. If they have to fight you to get you back there, they’ll do it. If you beat up twenty of them, twenty more will come and you’ll still go to segregation. If you go without a struggle, that’s fine with them, but either way, you’re going. Your hands will be shackled with standard police handcuffs, and you will be escorted down the corridor to the main door separating the segregation unit from the rest of the population. When you are all the way inside the unit, you will have passed through two solid steel doors and a set of bars, and will be totally cut off from the main population of the institution.

At this point you would be at the control area of the unit just outside the housing area, and you will be uncuffed and strip searched. After being weighed and given a set of coveralls, you will be cuffed again and taken to a cell inside the unit. In the cell, the cuffs will then be removed. A man of average height can extend his arms to the sides and touch both walls; that is the width of the cell. On the back wall is the sink-toilet unit and a small steel shelf bolted to the wall. Along the

length of the cell is the bunk, quarter inch steel with a piece of foam laid over it, the frame made of angle iron and bolted to the floor and adjoining wall. The length of the cell is four paces. You will find nothing else in the cell except dirt. You will be given a set of sheets and a blanket, a bar of motel size soap, a roll of toilet paper, and a toothbrush. It will be five days until your first shower; it takes that long for them to "schedule" you into the routine. In the meantime, you will appear before an ICC Committee and be told basically why you are locked up, and they will "assign" you to the unit officially until it is time for your file to be reviewed, or in the event of an investigation lock-up, until the investigation is concluded.

In the meantime, everything in your cell out on the population will be inventoried and put into boxes by two guards. The boxes will be taken to the property room, and a guard assigned to that area will go through your belongings and bring whatever items are allowed in the unit to you. The allowable items are: a limited amount of books and papers, including legal work, certain cosmetics such as soap, toothpaste and a toothbrush, a comb, hand lotion and powder, and tobacco items. In this unit, a radio with headphones is also allowed.

Commissary services are provided once per week, and a limited access to library services is also provided. Meals are brought to the cell, and you would be locked in that cell twenty-four hours a day, seven days a week, with the exception of three showers per week, and an hour in a small yard prior to each shower. Medical services are provided, but you have to be quick to catch a nurse going by because he or she is not going to stop and ask how you are feeling. As a matter of fact, the chances of getting help for a problem in segregation are pretty slim if you're not bleeding. It's difficult getting someone to listen to your complaints while in the population, but many times worse when confined to segregation.

The entire front of the cell is constructed of steel bars, and the enameled metal sink-toilet unit is guaranteed to be filthy enough to make you hesitate to sit on it. Hot water is, of course, out of the question, since even the main population cells do not have hot water in them, so taking "bird baths" between shower days during the winter months will be difficult. The noise level is outrageous, and you can

count on there being at least one nut from the state mental hospital there who either yells all day and night, or beats on the toilet with a shoe for hours at a time. Like the Receiving unit, there will be constant conversation going on, usually between one man at one end of the forty-cell-long block and one at the other, so naturally they will both be yelling as loud as they can to be heard. As a rule, there will be about three of these conversations going on simultaneously at all times.

If you're lucky, your "allowable" property will arrive within five days. Until then, unless you know someone in the unit, you will do without any personal necessities, and without tobacco items if you use them. To picture the circumstances, go into your bathroom, put a sheet of steel over the tub with a two inch piece of foam over it, and that will be your bed. Take out the shower head and all hot water plumbing, remove the door and facing wall and put steel bars in their place. Remove the mirror, carpets, cleaning utensils, and any decorative items, and paint the walls baby diaper green. To add the final touch, confine a dozen or so people in it for ten or so years before you get in there, and do not clean it. Now just go in, and get comfortable, and stay there for six months. Have your meals brought to you (rationed tightly), and come out of the cell three times a week, two hours each time for a shower and an hour of yard time. That would be pretty close to the actual experience, except for the noise factor, the bugs, and the rodents.

Whether you are coming out of the cell for a shower, yard, an ICC or Adjustment Committee hearing, you will be handcuffed before coming out of the cell. You must put your hands through the tray slot and allow them to be cuffed before your cell door will be opened. When going to one of the two committees, your legs will also be shackled. Razors are not permitted, because they can be fashioned into weapons, or the blades can be used to commit or attempt to commit suicide. Dental floss is not permitted, because it can be used with an abrasive to cut through the bars of the cell. With the provided meals rationed closely, the purchase of food and beverage items from the canteen is prohibited. The time of year you are in segregation will greatly affect the comfort factor. In the winter it is very cold. To keep warm you must either stay in your bunk under the blanket, or keep the blanket wrapped around you if you get out of the bunk. In the summer, there is no escape from the heat. There is little air moving,

and with only three showers per week permitted, most men begin to break out with boils or other skin lesions. Fingernail and toenail clippers are also prohibited, no matter how long you have been in the unit. The lack of movement and exercise causes the muscles of the body to slowly atrophy. The muscles grow weak, and the body grows accustomed to inactivity. Some men gain weight in fat; others lose weight because of the limited amount of food that is available. The more active a life an individual is accustomed to leading, the greater the negative effect on the body.

Both administrative and security powers in penal institutions use segregation units as a form of punitive retaliation when they want to extend the punishment allowable under law for an institutional infraction, or to punish an inmate for not cooperating with security by informing on another inmate, or to punish an inmate for an offense they suspect him of having committed but cannot prove. If an inmate is held for a lengthy period of time in a segregation unit, he can, of course, petition the courts to intervene and order his release back into the population. When the court receives such a petition and orders a response from the warden, the warden will respond that "Segregation is not punishment." Of course, as an inmate, you are a liar and a dog, and the prison administration is handling you according to "policy and procedure," and seldom will courts interfere. If the administration says segregation is not punishment, then it's not punishment as far as the courts are concerned, and like appeals from convictions, such petitions are uniformly denied.

The attorney general of the state represents the department of corrections in all suits, and in the majority of cases, files for and gets a summary judgement, and the petition is denied and considered as being processed fairly when denied on the grounds that the claim is frivolous. The courts are united with the department of corrections in suppressing prisoner petitions and complaints, and will constantly make demands on the inmate to furnish documentation and information that he is almost helpless to obtain. When attempting to utilize the court process as an indigent petitioner (without paying the \$100.00-plus filing fee), the courts will require that the inmate have been without funds in his account for the six months prior to the filing date. Otherwise, he must pay a percentage of that amount, whether he has any money

in his account at the time or not. This demand by the courts, like all the others, must be met within a specified time, or the petition will be denied for failing to comply with the order.

As a rule, petitions filed by prisoners are seldom fruitful, especially when challenging custody issues. The courts have repeatedly ruled that, as stated by the administration, segregation is not punishment. Yet, a cursory examination of the living conditions in a segregation unit as opposed to the conditions of a normal population environment indicates the contrary.

In population, the cell doors open at an early hour before breakfast is served to allow inmates to shower, go to medical if necessary, or just go to the community sink in the cell block for hot water for washing or making coffee. When the time comes, he goes to the mess hall and eats breakfast, then returns to the cell block for a count procedure. Work call is generally around 8:00 A.M., at which time he would go to his assigned job, school, or whatever other activity he chooses if he is not assigned to a job. In the segregation unit, there is no leaving the cell at all unless the inmate is handcuffed and being escorted by two guards to a specific location for a specific reason. There is no choice of showering when he feels he needs a shower, no job, no school, no nothing.

After the 8:00 A.M. work call, the inmate is not required to be in his cell block again until about 11:00 A.M. to clear the corridors for the noon meal. He would then go to lunch, socialize with friends or associates, and return to his cell after eating for another count procedure. The afternoon work call is about 12:30, at which time the inmate may again go to an assigned job or school, or to one of the recreation areas to lift weights, exercise, play basketball, and/or just socialize. Again, the inmate confined to a segregation unit never leaves his cell for a chosen activity, and when he does leave the cell, he is handcuffed and escorted.

The work and recreation areas close down at 3:00 P.M., and a count lock-up goes into effect at 3:30. Between 3:00 and 3:30, the inmate may shower after work, utilize the T.V. room, or socialize. After the 3:30 PM count, the doors will open again at 4:00 PM for the evening meal. The recreation areas will be open at this time, and the canteen is usually

open three times a week. The inmate is not required to be in his cell again until 8:00 PM for another formal count procedure. After that count is clear, the cell doors are again opened and the inmate is allowed to move around inside the cell block to visit with friends, go to the TV room, utilize the washer and dryer, engage in studies, board games, etc., and is not required to be in his cell again until 11:30 PM.

Just the basic activity restrictions alone are indicative of the punitive consequences of being locked in segregation, and the segregation status can be ordered for an inmate without him having been caught in violation of any rule of the institution, for what is termed "Administrative Investigation." Quite often, when an inmate has been charged with an infraction, and is found guilty in an Adjustment Committee Hearing, he is sentenced to time in the Isolation Unit, which is generally the basement area of the segregation block. There is a limit on the time an inmate may be confined to an Isolation unit, so when the Adjustment Committee Chairman wants to extend an inmate's sentence beyond the limits set by law, he issues the punishment with a "Referral to ICC." In doing so, the inmate does his isolation time, and then is put in a cell in the segregation section of the block to await a hearing by the ICC before being released back into the population. The ICC, as we have already discussed in a previous chapter, has the option to release the inmate back into population, or delay making a decision on his status, which means he must remain in segregation until the next review of his file, which would be after an additional ninety days. The fifteen days maximum punishment for the offense suddenly becomes 105 days, and if they choose, they again delay making a determination on your status, boosting the length of punishment up to 195 days, but again, this is not punishment according to the administration.

Isolation Units

The Isolation cell presents a further restriction on the movement of the inmate confined in it, and further isolates him from contact with other people. Most Isolation cells are constructed with a second door about three feet in front of the bars that form the front wall of the cell. This door is closed, preventing the inmate from talking to other inmates

in the block, and of course, substantially reduces ventilation. This inmate is given no recreation time whatsoever, and is permitted only two showers per week. The radio that is permitted in the segregation section of the block will not be found in the isolation cell, and only legal work is permitted in the cell. The severity of the isolation status varies from prison to prison, some isolation cells do not have plumbing in them at all. An open sewage pipe in the corner of the cell is used to urinate and defecate in, and many isolation units place a further restriction on the amount of food the inmate is given, and in some, there is no lighting. Needless to say, the cells never get cleaned, and often, inmates who are drunk from prison made wine are put into these cells and they vomit on the floor and walls.

The hygienic condition of Isolation and Segregation units may seem to be the issue of most importance here, but it is not. Of much greater importance are the psychological effects experienced by men who spend time in these units. Being in prison is bad enough, but these units, and the way men are treated in them, take our modern society and put us back into the stone age as far as the manner in which human beings are treated. And the truth and realities of prison are carefully masked by the prison administration and by the government, and even more so by our courts and judicial system in general.

5

Programs and Recreation

In an effort to reduce the incidence of hostility, and alleviate the degenerative effects of idleness, varied programs and recreational activities are sponsored by prison administrations. Among these are Academic Schooling and Vocational Training which fall under the direction of the D.C.E. (Department of Correctional Education), varied activity groups under the direction of the counseling staff and the Assistant Warden of Programs, Religious Group activities under the direction of the Chaplain's Office, and organized and unorganized sports programs under the direction of the Recreation Department. The variety of available programs will vary from institution to institution, and with regard to academics and vocational training, a small assortment of degree and certificate programs are available, with a teaching effectiveness that will touch both ends of the scale. It should be noted that for the most part, most of these programs are sloppily run and seldom up to par with current standards, but they are among the few alternatives to inactivity, and the prisoner is in a take it or leave it situation.

Academic Programs

The educational level of the average prisoner is below the high school level, and the percentage of illiterates is high within prison populations. With the advent of the PLUS program in this country, literacy programs have become a focus of D.C.E. Directors, and the teaching of basic reading and writing skills has become a priority effort. In some states, recent rulings have made it impossible for an inmate to be granted a parole without proving functional literacy, which has proven to encourage participation in the programs. These basic literacy skills are taught, and the G.E.D. (General Educational Development Diploma), or High School equivalency diploma, can be earned through the state program. There are also college programs available, but at many institutions, an inmate will need two or three courses for graduation which are unavailable inside the institution, so often he is unable to earn the degree he has worked for. Funding for these courses is provided through the Federal SEOG and PELL Grant programs, and the courses are taught through a local community college.

Vocational Training and Industries

Although different institutions have a greater or lesser number of vocational training programs available, the standard ones are brick-laying, plumbing, electrical maintenance, air conditioning and refrigeration, and culinary arts. Most of these come with the journeyman's license as part of the program, but more often than not, the instruction will be diverted to satisfy the needs of the institution, and the documents will be falsified to indicate that the program has been, or is currently being successfully completed, thus allowing for the continuation of funding for that program.

Because most institutions have industrial programs that are state run as Correctional Enterprises, vocational programs are integrated into the production shops, and utilized by Correctional Enterprises, which is a multi-million-dollar profit-making industry. Inmate salaries for

working in these production shops are as low as nine dollars per month, and as high as three hundred dollars per month, depending on the rate allowed by the state. Because prisoners' earnings are a fraction of what normal labor costs would amount to, such items as wooden chairs, desks and other office furniture, and metal products can be sold at highly competitive rates allowing the industry to be a profitable enterprise. The production of clothing and printing services are among these industrial exploits, and so is the manufacture of license plates which are sold at \$35.00 per set and higher.

The students of most vocational classes are utilized for internal maintenance, especially for plumbing, electrical maintenance, and painting. Needless to say, the culinary courses include extensive "hands-on" experience by cooking food for the population; the result, in most cases, could be accurately described as "botched." Because of the apathy that exists among staff and population, a less than effective, and at the most a minimal effort is put into the preparation of the food and the care of the utensils. The food as a rule is tasteless and undesirable; and the trays, cups, and serving utensils are seldom clean. A visit from a county health inspector can only be had by making an advance appointment, and the visit is always prepared for by an extensive cleaning of the entire area and its contents. However, there is much to be learned from these programs, and the individual who sincerely aspires to benefit from them can do so if he is patient and willing to pursue the knowledge that is there with a fervent effort.

Activity Groups

The design of these groups allows for an inmate to become involved in community-type efforts within the prison population, and is an exercise in communication and patience. The Jaycees, for example, hold weekly meetings of their membership, at which time they consider varied proposals for projects from the membership and from the executive board. The executive board, a group of inmates elected by the membership, has the say on giving a project initial approval, while a final decision, by vote, rests with the members. An example of such a project might be to sponsor a prison activity that requires funding.

One of the major efforts of such groups is planning and executing revenue-producing projects, such as holding banquets which they charge admission to, taking pictures of inmates and charging a fee for the photograph, or selling snack items in the visiting room on the weekends. Other comparable organizations are CWS (Creative Workshop), and Family Life. For inmates who are unable to occupy themselves with their own pursuits, these groups provide an opportunity to “be someone” in the eyes of other inmates, and allows for the practice of interaction with the other members in coordinating and synchronizing thoughts and efforts.

Many prisons have Alcoholics Anonymous and drug abuse programs which are run by staff and outside volunteers, and are designed as self-help programs. The Classification Board, and sometimes the Parole Board orders an inmate to join one of these groups if his records indicate a need for that type of counseling. There is also an IAC (Inmate Advisory Council), a group of inmates elected by the population to act as advocates on behalf of the population. Monthly meetings are held between IAC boards and chief administrators to present, and purportedly to resolve, issues of concern to the population. Seldom are these meetings any more than a formality, but it looks good to the courts and to society.

Religious Groups

Islamic, Baptist, Seventh Day Adventist, Catholic, Protestant — you name it, and they’re inside the walls. Volunteers from outside come in weekly for Bible study, and assorted services for the various denominations. The motivation of the participants is questioned by both staff and population, and as a personal observation, the majority of them are rapists and child molesters, and mostly child molesters, who since finding new faith, have shed their guilt and become better than everyone else. This is not intended to disparage those who have truly committed themselves to these beliefs, but they need not be fooled; their new face will do nothing to sway a prison administration or parole board to favor the individual who has been “converted” or “saved.” As it is with the convict population, a baby raper is a baby raper, no

matter what he believes when the parole board considers him for release.

Recreational Activities

Many institutions have a variety of recreational activities available for the inmate to participate in, but this is one of the areas where a high degree of variation will be found. Some have pool tables in them, while others dare not allow a pool stick to get into the hands of an inmate, for inevitably it would wind up wrapped around either a guard's or another inmate's head. Weightlifting will be an available pastime in the majority of penal institutions, barring, of course, those that are lock-down units and used to house excessively violent prisoners. Weightlifting, because of the demand it places on the body and the mind, provides for a release of frustration while promoting health, both physical and mental, and is an exercise in goal achieving and personal commitment. Some states have Powerlifting Programs where inmates are allowed to compete against lifters from other institutions, and from the outside. Some of these meets are sanctioned by national Powerlifting federations, and are regarded as legitimate contests.

Basketball equipment will be found at nearly every institution in the country, even in the lock-down units. It is relatively safe and inexpensive, and most male adults have participated in the sport in some capacity at one time or another, even if only to throw a few foul shots. Volleyball will also be found in most institutions, and it too is relatively safe and inexpensive to provide. Often teams are developed and competitions are organized in volleyball, basketball, softball, baseball, and either flag or tackle football.

For the less physical individuals, there are chess and checker boards, TV rooms, and a small assortment of board games. Institution-wide chess and checker tournaments are organized by the recreation departments of many prisons, and these events add the excitement of competition to the games. Standard playing cards are available in some institutions; others do not allow playing cards in an effort to curtail gambling.

Other Activities

In states where funding is available, group therapy and one-on-one therapy can be requested, and these classes are operated by qualified therapists with the credentials and the ability to be of help to those who need and want it. Some states do not have such programs available to inmates, and allow employees with the position of "Counselor" to conduct therapy sessions. These individuals, who are often switched from another position at the prison, sometimes from the maintenance or recreation department, are patently incompetent even to keep an inmate's file organized and help him avoid minor institutional problems with the administration, much less being capable of conducting therapeutic counseling for psychological problems. However, in the states where competent counseling is available, such a program will be of immense value to the individual who is attempting to reconstruct his life and is learning to cope with personal problems and anxieties.

Jobs are optional in some institutions, mandatory in others. Tasks range from cleaning a specified area of the prison, to teacher's aid positions in the academic department. As previously mentioned, industrial jobs are also available at some prisons. In most states, non-industrial jobs have a pay rate ranging from a few dollars per month on up to seventy-five dollars per month.

Most institutions have a library, and varying numbers of inmates will avail themselves of an assortment of fiction and non-fiction books for entertainment purposes, and some for the purpose of study. The budget for a prison library is usually far below what is needed, but insufficient funding is the rule rather than the exception when it comes to the needs of prisoners. A dedicated librarian will do his best in stocking, ordering, retrieving loaned books, and making available those materials which are in demand at his particular location. Others will simply put their hours in and ignore their responsibilities.

Many institutions now have telephones available for inmate use, and most are specially designed without dials, requiring that all outgoing

calls be placed operator-assisted collect. Phone company credit card numbers and third party billing as a rule is not allowed.

For those who choose to challenge their convictions or file other actions in court, a law library is maintained at all major institutions. It is required by law, as is the availability of a notary for filing the petitions. Institutions are also required to make typing paper and other necessary materials available to inmates for the preparation and filing of court petitions; this includes a typewriter and basic assistance in the preparation and filing of these actions. As noted earlier, the petitions receive little consideration in court, but the option is available for those who choose to pursue it.

In addition, there are, of course, inmate operated activities that are conducted without administrative approval. Gambling pools are operated for the duration of the football, basketball, and baseball seasons, and in the institutions where playing cards are permitted, gambling houses are run on a regular basis, especially on the evenings of the days that canteen tickets are issued. For those who choose to entertain themselves with chemicals, every kind of drug to be found on the streets will be found in prison, and the tighter the security, the more available the drugs. Marijuana, Cocaine, Heroin, Speed Balls, Crack — you name it, and it's inside the walls, and in abundance. The prices are, of course, substantially higher, but that in itself does not curtail this seductive enterprise. As they are on the streets, drugs are big business in prison.

Some men entertain themselves by operating a hustle, which in addition to occupying otherwise idle time, is a money-making venture. Prison hustles range from providing food services to doing laundry, and everything in between. For example, for a five dollar fee, you can have eggs prepared for you every morning instead of eating whatever food is being served on the line, or you can have a hot sandwich delivered to you in the cell block every evening for the same fee per month. You can have two loads of laundry done per week for a five dollar monthly fee, or you can purchase any item of clothing from the laundry room for a few packs of cigarettes. You can have shelves built and installed in your cell, have your cell cleaned and/or painted, and have your floor scrubbed, waxed, and buffed as well.

The black market has such items as radios, TVs, tapes, fans, street clothing, and an assortment of jewelry. Anything else you might need that can be commandeered from state supply rooms such as stationary and office supplies, janitorial supplies such as laundry soap, furniture polish, floor wax, or anything else they may stock, can be purchased for a relatively small fee. If the state uses it, it can be bought on the black market. Weapons, of course, are always available. They will be homemade knives constructed from a shaft or flat piece of steel, sharpened well enough to pass easily through skin and clothing. For those who prefer a blunt striking instrument, pipes may be purchased for a lesser fee, and in all major institutions, at least a couple of inmates will be in the business of manufacturing weapons.

6

The Internal Litigation Process

In previous chapters, we have discussed power structures, administrative ranks, the chain of command, and how an inmate would formally approach the various levels in the grievance procedure, or when appealing a judgement of conviction rendered by an Adjustment Committee for an institutional infraction. At a glance, it would appear that great lengths have been gone to in order to afford the inmate a fair opportunity to present a grievance or appeal at the graduating levels, and to have the advantage of an impartial review of convictions by higher authorities to insure that fairness and justice have been observed. When a question of Due Process, Equal Protection of the Laws, and other Constitutional mandates arise, the issue of federally protected Civil Rights becomes a point of focus, and a prisoner may challenge an issue dealing with Constitutional Rights by petitioning a Federal District Court.

The time came, years ago, that prisoners began taking advantage of their right to challenge their treatment by prison governments, and the courts were being flooded with petitions filed by prisoners alleging Civil Rights violations. The flood of petitions into the courts became a burden to the court systems and to the Attorney General who defends

state interests, so to reduce the influx, courts required the states to set up a grievance procedure by which inmates could bring their complaints to a formal, and purportedly fair resolve. The Courts then began to uniformly refuse to hear any petition that had not traversed the internal grievance and appeal process to exhaustion. To further complicate access to the courts, inmates were no longer granted "Forma Pauperis" status (logging of the petition without paying a filing fee) unless they had been without funds in their inmate accounts for the previous six months. They began to require that inmates produce prison records of their accounts, and an itemized list of necessities such as deodorant, toothpaste, etc., along with the cost per item, and if the inmate had had money in his account, even if he had none in his account at the time of the filing, he would be required to pay a percentage of that amount or be denied his right to have the petition heard. In the late 1980's, filing fees exceeded a hundred dollars, which further complicated access to the courts, because prisoner earnings seldom permit an out of pocket expense exceeding a hundred dollars, or anything even close to that.

The petitions that do reach the courts will seldom receive fair consideration. The Attorney General almost always gets a summary judgement when he files for it, and the petition is then denied. Prisoners are often asked to produce documentation in support of their allegations, and the courts and the Attorney General know that such documentation is not available to the prisoner by any means. If the inmate can afford to hire an attorney to present his allegations to the court, then there is a chance of receiving a review of the issues, but as prisoners are as a rule impoverished, their cries for justice are seldom heard. They are silenced by the great political machine, and by a judicial process that only recognizes those rights which the individual can purchase.

However, as it is the assertion of the courts and prison administrations that the grievance and appeal processes are fair, we are going to look at just such an appeal, step by step as it occurred, on an actual charge that was written against me. We will analyze the responses given at each level of the appeal, and determine if the respondents at each stage of the process: 1) made their judgments fairly and honestly; 2) followed the prescribed procedures thus granting the Constitutional

Due Process right; and 3) performed their assigned obligations as society is paying them to perform them. Bear in mind that the grievance and appeal process is there to insure that fairness and Due Process prevail in the adjudication of infractions and in the review of grievances. If a chief administrator's duties include being involved in this review, that obligation is one that society is paying him to perform. Furthermore, it is against the law to violate the civil rights of any individual. The prisoner has been prosecuted and incarcerated for breaking the law. If a government official violates the Constitutional rights of an individual, he is breaking the very law upon which this country was founded, and should also be incarcerated.

But who will speak for the prisoner? Who will execute the law on behalf of the prisoner? When the prisoner's rights are violated, who will hear him? When a guard or administrator in a prison inflicts cruelties, mental or physical, upon a prisoner, who will prosecute him? Who will bring him to justice? The prisoner has broken the law and is in prison for it. Should guards and prison administrators be allowed to break the law and be safe from legal recourse?

In 1981, I took an interest in writing about the Martial Arts, a subject that had held my attention since pre-adolescence. I had occupied my life with training, practice, teaching, and research for nearly twenty years. In mid-1983, my first book was published, but by the close of that same year I had been arrested on felony charges and was subsequently convicted with the help of an appointed lawyer who was bucking for a job with the prosecutor's office. I got the prison term; he got his job with the prosecutor's office. Once in prison, my writing efforts suffered greatly because I was unable to furnish photographs as a visual aid to the written instruction, but eventually I got over that hump and began producing instructional manuscripts again. I never made any attempt to conceal my efforts — I saw no reason to. It was a well established fact that I was a professional Martial Artist and had been a teacher and author in that capacity for many years.

Because of the sloppy handling of mail by prison employees, I had made a habit of keeping two copies of all my work to safeguard against its loss, and to be able to refer to the texts for any future projects I might develop for a publisher. There is a print shop at the institution I was

at during this time, and being that I had worked there and was familiar with the machinery, I would take the back-up copies to the shop and staple the pages together once the corresponding contract was signed. It made the copies easier and neater to store and refer to. At the completion of my last two manuscripts, I was no longer working at the print shop, so I gave one of the manuscripts to an inmate who was still working there to staple the pages together for me. This was on Monday, August 22, 1988. That afternoon, the copy of the manuscript was confiscated from the inmate, which I wasn't told about until the shift changed that evening, and then not by the administration, but by the inmate.

The following day, when the shift came on that had taken the material, I made numerous attempts to retrieve it and find out why it had been taken in the first place. By Tuesday afternoon, after being directed from one guard to another, I was finally told that the Major had it. From Tuesday afternoon to Wednesday afternoon, I made several attempts to speak with the Major, but it became obvious that he was having the sergeants and lieutenants run block for him by telling me he was here and he was there, and never available to talk to. Wednesday after lunch, I was in my cell waiting for the afternoon work call when six guards came to my cell, one of them with a pair of handcuffs in his hand, and said that I was being locked up in segregation. I asked, "Locked up for what?" They responded that they didn't know, that it was "Major's orders."

I was handcuffed and taken to the segregation block, and later handed the paper entitled "Detention Notification," marked as C5-1. At this point, all I know about this lock-up is what is written on this piece of paper. Eight lines from the top of the page, two X's have been typed in the space indicating "Administrative Investigation." In the blank area entitled "State Reason for Lock-up," no additional information is given. It simply says "Inmate placed in segregation for Administrative Investigation per orders of Maj. X on 8/24/88 at 12:30 P.M." There is no indication as to what is being investigated, or the reason that segregation is necessary.

PART I: DETENTION NOTIFICATION:

To be completed by the Shift Commander.

Inmate Name _____ Number _____ is

being placed in higher security by order of _____

(Signature - Title)

8/24/88 12:30PM

(Time/Date)

For (Check One):

- () Pre-Hearing Detention (Adjustment Charge Pending)
 (x) Administrative Investigation
 () Protective Custody
 () Other*(Specify) _____

State reason for lock-up. If Pre-Hearing Detention, list offense, date, time and inmate's involvement, other inmates involved.

Inmate placed in Segregation for Administrative Investigation per
 orders of _____ on 8/24/88 at 12:30PM

PART II: ICC REFERRAL NOTIFICATION/ADVISEMENT OF RIGHTS:

You will be brought before the Institutional Classification Committee for the next scheduled hearing day. The Committee will review your status and recommend either your release or that you remain on segregation pending further action by the I.C.C., C.C.B., or the Adjustment Committee.

You will be permitted:

1. To be present;
2. To remain silent;
3. To have your counselor or an employee of your choice present to assist you;
4. To receive a copy of the written findings and the recommendations of the Committee;
5. To know the reasons for the decision rendered by the Committee.
- *6. To hear the reporting officer's testimony;
- *7. To cross examine adverse witnesses;
- *8. To call and cross-examine witnesses.

(* Not included for review of Pre-Hearing Detention.)

INMATE ACKNOWLEDGEMENT

This is to certify (1) that I have received a written copy of the reasons for my placement in detention; (2) that the purpose for the ICC review has been explained to me; and (3) that my rights at the ICC hearing have been reviewed.

Witnesses Requested:

(Inmate Signature) (Date)

(Witness Signature - Sworn Correctional Officer)

DISTRIBUTION:

Original: Corrections Facility Director & Operations

Copies: Chief of Security

Inmate

M-Building OIC

8-4 Shift Commander

Counselor for M-Building

On Thursday, 8/25/88, I was taken from the segregation cell to an Institutional Classification Committee hearing, and told that I was being investigated for suspicion of secretly teaching Martial Arts to other inmates, and composing instructional materials for distribution within the institution. My response to the accusations was the simple truth that I do not teach what I know inside the institution because I do not want everyone else to know what I know because it would neutralize my advantage. I asked the ICC to conduct the investigation while I was out in the population because I was scheduled to start college the same day I was locked up and I didn't want to fall behind. The same day I was locked up, the print shop was closed down by security to search for printing plates and/or copies of the manuscript. Of course, neither plates nor copies had been found. There were none to be found, so that suspicion, if it was in fact a suspicion rather than an excuse to keep me in segregation, would have been allayed at that point.

Knowing the search had been conducted, I practically pleaded with the committee to release me from segregation so I could take the college courses I was enrolled in, but they were all very nasty, arrogant, and accusatory in tone, and ordered that I remain in segregation until the investigation was concluded. In an effort to expedite the investigation, I wrote to the Major and asked him to come to segregation and speak with me about these suspicions, and to talk to a number of guards who knew my schedule and could have verified where I was all day and evening. I also wrote to the Director at the downtown office and to the Warden. None of these efforts proved to be of any value, and the Major and the Warden never even responded to my letters.

For the rest of August and into September, I sat in the segregation unit while my educational plans for the semester went to shit. Eventually, an investigator from the downtown office came to see me after poking and prodding around the institution looking for a reason to take me to court and/or charge me with an institutional infraction. Initially, he was very coarse and aggressive during questioning, but upon realizing that the entire situation had been blown out of proportion, and having concluded that neither any laws nor institutional rules had been broken, he asked me point blank what the whole lock-up and investigation was really about. I told him the truth: I didn't

know. He said his investigation was over and that he had no intention of preferring any charges, and would recommend that I be released back into the population. I asked him if writing on Martial Arts, or any other subject, violated any rules of the institution or of the department of corrections. He said no. I was taken back to my cell in the segregation block, and since the investigation was then officially concluded and no charges were being preferred, I would be scheduled into the next ICC hearing to be released into population. I was happy that the investigation was over and that I would be leaving the segregation block, but at the same time I was very angry because I knew that my actions had not warranted any disciplinary action in the first place, and certainly had not justified being locked up as a threat to the safety and security of the institution. However, the frustration was just beginning.

On the evening of September 29, 1988, a charge (Major Offense Report) was brought to my cell in the segregation block by an officer who was working there. It is marked as C5-2. In my cell, there had been copies of other books I had written previously, and these were confiscated and were the subject of the charge. Along with these personal copies, there are published editions of some of the books which were sent to me by the publishing company, and these too are listed on the charge as contraband. Signatures and names are, of course, blanked out, but where the charge refers to the investigator who has at this time completed his investigation, the name of the institutional investigator appears, not the investigator from the downtown office who actually conducted the inquisition and stated to me that I had broken no rules or laws.

The officer who had written this charge was the personal property officer, whose job includes sifting through any inmate's property who goes to the segregation block. This officer told me himself that he didn't want to write the charge, but that he was told to write it by the institutional investigator. So now I had to go through a hearing that was supposed to be a fact-finding examination of the merits of the charge, so I prepared a defense, and if you will look on the line marked #1, I had requested a staff advisor. One of the rights in these hearings is to have either a staff or inmate advisor. I had requested a staff advisor because I knew that what the charge was calling infractionary behavior

MAJOR OFFENSE REPORT DIVISION OF ADULT SERVICES

Inmate's Name _____ Number _____ Institution _____ Dorm M/B
 Offense Code 224 Offense Title Possession of Contraband
 Date 09/29/88 Time 10:00 am/pm Location Property Room

DESCRIPTION OF OFFENSE: While going thru inmate _____ property for allowable items in
M-B, I found self made books about martial arts and some martial arts books these items
are contraband, this charge was delayed due to completion of a investigation by _____

Witness(es) _____ Reporting Officer Signature _____
 Name Printed _____
 Date 09/29/88 Time 10:07 a.m.

Pre-Hearing Detention: () YES (☒) NO IF YES, Attach Authorization Form.

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two rights.

1. Request Inmate or Staff Advisor: (☒) YES () NO IF YES, name (and number if inmate) _____
2. Request Witnesses: (☒) YES (☒) NO IF YES, names (and numbers if inmates)
 (1) _____ (2) _____ (3) _____ (4) _____ (5) _____
3. I DO () DO NOT (☒) waive my right to 24-hour notice prior to hearing.
4. I DO (☒) DO NOT () wish to appear before the Adjustment Committee (Refusal to appear constitutes an admission of guilt.)
5. Date Set for Hearing _____
6. The Reporting Officer will be present at the Hearing.

I have been informed of the charges against me, and advised of my rights at the Adjustment Committee Hearing.

Witnessed by _____ Inmate's Signature _____
 _____ (Two signatures required if inmates refuse to sign)

Inmate Provided copy of Report: Date _____ Time _____ am/pm

Officer-in-Charge's Signature _____
 Name Printed _____

Served by: _____

REASONS FOR CONTINANCE (Attach copy of Notice served on inmate): _____

Revised Hearing Date _____

MAJOR OFFENSE REPORT

is not cited anywhere in the DGL's (Division Guidelines) or the IOP's (Institutional Operating Procedures) as an infraction, and a staff advisor can state this authoritatively and not be questioned as to the veracity of his statement.

On line #2, I requested as a witness, the presence of the investigator who did the investigation. He also can state authoritatively that the materials charged as contraband were not contraband. On line #3, I checked the blank that indicates that I wanted a 24 hour notice prior to the hearing so I could be sure to be properly prepared, and on line #4, I checked the blank indicating that I wanted to be present during the hearing. With the staff advisor and with the testimony of the investigator, the charge would be thrown out and the madness would end there.

The following Monday, the personal property officer, in response to my repeated requests that began the day after I was originally locked up, finally got around to coming to the segregation unit to take me to the property room to go through my property to get certain books and study materials that I had been working on when I was locked up. This was the same officer that had written this contraband charge. I was strip searched and chained, and then taken to the property room by this officer. Enroute to the property room, this officer began questioning me about the books, about whether or not I had written them, etc., etc. The questioning went on for the entire time I was with him, which was approximately 45 minutes. When I returned to the segregation unit and was put back in my cell, I was told by one of the other inmates in the unit to read a certain page in the Divisional Guideline Handbook which describes the procedure for charges regarding inmates, officers, how to write the charge, when it has to be written, restrictions and other regulations. When I read the page, it said the following:

Responsibilities of Reporting Officer: Following the preparation of the disciplinary reports the reporting officer shall:

- A. Submit completed report to the officer-in-charge and provide any further information which he/she might request.
- B. Initiate no further contact relative to the charge with the accused inmate, with any witnesses the accused inmate may request, with other witnesses, with members of the Adjustment

Committee or anyone else involved with the adjudicatory process before judgement is made on the charge.

- C. Appear at the Adjustment Committee hearing and provide oral testimony summarizing the circumstances which led to the charge, and answer truthfully all questions directed to him/her.

Indisputably, the officer was in direct violation of section B of the Guideline when he questioned me about this charge. The hearing, if held, would violate my right to Due Process. By the department of corrections' own rules, the officer is not allowed to question me about the charge, and I imagine this is to avoid the incidence of officers pumping inmates for information to quote in the hearing, the groundwork for which is a basic Constitutional Right against compulsory self-incrimination. Now I had three solid grounds for dismissal of the charge, and after two delays, the hearing was finally set for the following Friday.

The Thursday before the hearing was to be held, I was returning from a recreation period on the yard, and as I was passing through the hallway leading back to the cellblock, the ICC was in session and one of the counselors stepped out into my path and asked me if I would like to be ICC'd. This appearance was necessary to be released back into the population, but by this time, my attitude had gone to hell. I had been taken off the college list, I'd sat in a filthy cell and been handled like an isotope for almost two months, with three showers and three recreation periods per week, and there was a nut on the tier below me that screamed all day everyday. I was breaking out again from the filthy conditions, and I had got athlete's foot again, and I was going through this for writing a fucking book. I was disgusted, mad, and I didn't want to hear anything these people had to say, but I knew I had to go through it to get back out in the population, but I wasn't even sure I cared anymore, so my response was "I don't give a fuck if you ICC me or not."

It was their plan to have the hearing one way or the other, so I was escorted to the table where the panel was seated and I sat there looking at them. Almost a minute went by and nobody spoke. They were expecting me to start begging them to let me out of segregation, but they were to be disappointed. Finally one of them said, "Mr. XX, we're

they were to be disappointed. Finally one of them said, "Mr. XX, we're thinking about putting you back in the population, but we need to know what you're going to do about writing these books." My answer was clear: "I'm going to keep writing them. You don't tell me what the fuck to write, think, or anything else. I've hired a lawyer, and I'll see you in court." They weren't ready for that response, so they whispered among themselves and then mentioned the charge that was written and some corresponding bullshit. I told them that they were out of line, beyond their authority, and that they were going to look real stupid standing in front of a judge trying to justify the conclusion that I was a threat to the safety and security of the institution and had to be locked up for writing a book when for more than five years I had received no charges, much less a charge for any type of violence.

When they continued to try to promote a conversation, I interrupted and said, "Wait. Two months ago I sat here and begged you mother fuckers to put me back in the population while you pursued this investigation so I could go to college and continue my other studies. You didn't want to hear anything I said to you then, why do you want a conversation now? Nothing has changed, and you're not going to tell me what the fuck to think or write. Do what you gotta do, and I'll see you in court." I was 100% serious about all I was saying.

I really didn't care what they did. You get to the point that you just don't care anymore. You know you are right, you know you haven't done anything wrong, and you are facing an opponent that has no self-respect, and no respect for you, for truth, or for justice. You are being judged by a pig, and there is no truth in him. He will lie to your face and he will lie on the paperwork when he gives an account of the incident. There is no way to win whether you are right or wrong. Eventually you just say fuck it, do whatever you gotta do, because you know there's no point in the competition. They'll bend the rules to fit their purpose, and lie every time they open their mouth. You are a convict so no one is going to believe you if you try to reach the media or other free people, and you just accept the treatment for what it is and it stops hurting. You have to live with it so you live with it.

The day comes that you just accept the pig for who and what he is, and you no longer even try to make him understand that he is wrong.

Let him think as he will, let him do as he will, you cannot stop him anyway, so why wallow in the pain? On this particular incident, I do presently have an attorney looking into a suit, and perhaps I will be able to slap back this time, but that remains to be seen. At the moment, I have a panel of oppressors in front of me that I just won't be manipulated by anymore, so let them do as they will, there will be no more pain, not in me.

At the close of my last quoted statement to the ICC Board, the chairman became frustrated, dropped his pen on the table, put one hand on the side of his head and said, "Mr. XX, we're trying to put you back in the population. Don't you want to go back out there?" I said, "Let me make one thing perfectly clear for legal purposes. I do not want to be back here, but you didn't seem to care what I wanted the last time I sat in here anyway, so don't expect me to kiss your ass or beg you to release me. Do what you gotta do. From this point forward, all my talking is going to be done through an attorney." On that note, they looked at each other bewildered and frustrated and asked me to go to the opposite end of the room while they made their decision on what to do. The sergeant who escorted me to the other end of the room shook his head laughing and said "Man you really fucked them up. They didn't know what to say." He was familiar with the reason I was in the segregation block as were the other ranking officers, and in this case, I think they were nearly as irritated by the whole situation as I was.

The ICC Board talked amongst themselves for fifteen minutes before calling me back to the table, and when they did, their attitude was completely different. In a near pleading tone, they pointed out that one of the manuscripts was dealing with the use and construction of hand weapons from raw materials, and could be used by inmates if they had the information. Again I stressed to them that I had no intention of sharing the information with other inmates, but they insisted that the manuscripts could be stolen from my cell when I was away, and that I could not argue against, so I agreed with them to halt production of manuscripts on the use and construction of weapons, while assuring them that I would continue writing on unarmed and other forms of Martial Arts. I signed an agreement with them to that effect, and they cleared me for release after the charge was heard.

The following day, two guards came to my cell and took me to the Adjustment Committee hearing. Enroute to the room where the committee was seated, I passed the property officer who had written the charge. He spoke to me with an informal greeting, and I asked him if he planned to lie in the hearing. He said "I never lie. If you beat the charge, you beat the charge. I never lie on inmates." I said, "We'll see." I looked at the sergeant that had been with me the day before at the ICC hearing and he said, "That's one lie already." He laughed, and we went into the room for the hearing.

The Adjustment Committee Chairman started off by telling me that there was no staff advisor available so I would not have one, and then told me that the investigator signed a statement that said he would be unable to add any information at this hearing that he had not already furnished in his report. Now being that I could not get my hands on a copy of this report, nothing he said to me could be presented at the hearing, and his findings would count for shit because he wouldn't be there to make the statement that the material charged as contraband was not contraband at all.

Because of the materials to follow, the course of the hearing need not be examined in detail. I was found guilty of the charge and released back into the population the same night. Observe the page marked C5-3. On the line indicated and titled "Committee Decision," you will note an X marked in the blank for the guilty decision. On the line below titled "Reason for Decision," the reason for the decision reads "Information from the reporting Officer and confirming his report as written. The Accused's witness verbal testimony and that of the accused." Midway down the page you will note that I have circled "Inmate wish to appeal," and across from the line marked "Institutional Review," the committee's decision was approved and upheld by the assistant warden. Once this first approval is made, the charge goes into your permanent file, will be seen by the parole board, and prohibits you from attending any special functions for six months — in my case caused me to be removed from the honor block for six months — prohibits you from participating in any organized sports, and prohibits you from certain visiting privileges.

Of course, I began the formal appeal process, and the page marked C5-4 is the form that must be used. It will be unclear after a reprint,

MAJOR OFFENSE REPORT

ADJUSTMENT COMMITTEE HEARING

Tape No. 88-89-B Time 2:30 ~~xxxxpm~~ Date 10/07/88Plea: () GUILTY ☒ () NOT GUILTY Inmate's Signature [Redacted]

Reason for Absence of Requested Witnesses:

PENALTY CONSIDERATIONS: Inmate's file indicates first major infraction within
the last 6 months.* Committee Decision: (☒) GUILTY () NOT GUILTY () DISMISSEDPenalty: Written reprimand.* Reasons for Decision: Information obtained from the reporting Officer and confirming his
report as written. The accused's witness verbal testimony and that of the accused.Chairman's Signature [Redacted] Member [Redacted]Chairman's Name (printed) [Redacted] Member [Redacted]This is to certify that I have received a copy of this Report, and have been advised of my right to appeal the decision to
the Warden/Superintendent and Regional Administrator of this Region review the case.

INMATE WISH TO APPEAL

Inmate's Signature [Redacted]Admitted to Isolation: () YES Date In [Redacted] Weight In [Redacted]() NO Date Out [Redacted] Weight Out [Redacted]

INSTITUTIONAL REVIEW

(☒) APPROVED () DISAPPROVED
() SUSPENDED

Comments: _____

Signature: [Redacted]Date: Oct. 12, 1988Title: CORRECTIONS FACILITY DIRECTOR A

REGIONAL REVIEW

() APPROVED () DISAPPROVED

Comments: _____

Signature: _____ Date: _____

Title: _____

MAJOR OFFENSE REPORT

ADJUSTMENT COMMITTEE APPEAL

TO: Warden/Superintendent _____
FROM: Inmate _____ Number _____

PART I

OFFENSE TITLE POSSESSION OF CONTRABAND
OFFENSE CODE 224 DATE 9/29/88 *TAPE # 88-89-B
PENALTY _____

*To be provided by the Warden/Superintendent.

On what do you base your appeal? PLEASE SEE ACCOMPANYING
SUPPLEMENTS A THROUGH D.

Signature _____ Date October 7, 1988

To be forwarded within three (3) working days from receipt of disciplinary report with a completed copy of the Adjustment Committee Report - TO YOUR INSTITUTIONAL WARDEN/ SUPERINTENDENT.

TO: Inmate _____ Number _____
FROM: Warden/Superintendent _____

PART II

Warden/Superintendent's Response: _____



OCT 13 1988

Signature _____ Date _____

Must be returned to the inmate within five (5) work days.

(Continuation sheets may be used and attached hereto).

Supplement A.

Grievant petitions for a reversal of the findings of the Adjustment Committee on the following grounds:

- A.) Martial Arts books are not stated in the IOP or DGL as being contraband.
- B.) Writing books is not stated in the IOP or DGL as being an infractionary behaviour.
- C.) Reporting Officer violated DGL 861 by questioning accused on the subject of the charge, and questioning was at length.
- D.) Reporting Officer deliberately furnished false statements during the Adjustment Committee proceedings.
- E.) Adjustment Committee, knowing by the testimony given by the reporting officer that he had given false information with full knowledge that his statement was false, disregarded his conflicting statements in finding the accused guilty.
- F.) Adjustment committee denied accused due process in allowing proceedings to continue after having full knowledge by reporting officer's testimony that officer had violated 861.

*See attachments B, C, and D for annotations.

DOCT 10 1983



OCT 18 1988

Supplement B.

Ground A. Guideline 852 does not state that Martial Arts books are contraband. In the instant case, the books in Appellant's possession were his own work. They were a product of his own knowledge. To declare Appellant's own works as contraband under color of contraband rules as a danger to the safety and security of the institution, than Appellant's knowledge is also contraband representing the same danger, and in light of Appellant's institutional record since his first day of arrest in November of 1983, no such danger has been indicated.

Ground B. The writing of books are not cited in any DGL or IOP as being ^(e.) neither a major nor minor infraction. The books charged as contraband are the product of Appellant's own hand. He is the sole author of said works, an effort which is made by Appellant to prepare a future for himself, which should be commended rather than punished.

Ground C. Reporting Officer ^{PAPER'S} wrote the charge in question on 9/29/88. On Monday 10/3/88, reporting officer escorted Appellant to the property room to retrieve certain ^{PAPER'S} and books. Reporting officer questioned Appellant at length concerning the items listed on the charge. A review of the Adjustment Committee hearing tape will review a battery of questions Appellant asked reporting officer concerning the conversation held, and reporting officer's responses will varify that the conversation did in fact take place by his own admission, and did in fact directly relate to the contents of the charge. This is in direct violation of DGL 861 (Listed on Pgs. 12 & 13, Inmate Handbook).

Ground D. After admitting that he had in fact questioned Appellant on the elements of the charge, reporting officer later stated in response to Adjustment Committee Chairman's direct question that he did not carry a conversation with Appellant. Ten minutes earlier in response to the same question, reporting officer admitted questioning Appellant as a response to the same question by the Adjustment Committee Chairman.

Supplement C.

OCT 10 1963

Ground D. (Cont'd) Both statements are a matter of record and may be heard on tape in reporting officer's own voice. Conclusively, reporting officer told a deliberate lie during the Adjustment Committee Hearing process.

Ground E. Adjustment Committee Chairman refused to act on the DGL 861 guideline when in the original line of questioning revealed that the reporting officer did in fact question Appellant about the charge after writing the charge and before it was heard. Adjustment Committee Chairman asked reporting officer directly if he had questioned Appellant on the elements of the charge and reporting officer responded that he did. When Adjustment Committee Chairman later asked reporting officer the same question, reporting officer said he did not discuss the charge with Appellant. Adjustment Committee knew that reporting officer had lied the second time the question was put to him. He was asked if he initiated the conversation and he admitted that also the first time he was asked. After answering the battery of questions Appellant asked during the process of the hearing, it was obvious to the Chairman, the committee members, and the other officers in the room that reporting officer had in fact questioned Appellant on the merits of the charge. Other officers in the room were Sgt. [REDACTED] and C/O [REDACTED] and they may be willing to verify these facts.

Ground F. Due process in adherence to guidelines was not afforded to the Appellant. Chairman and everybody else who was present knew that reporting officer had violated 861 prohibition against having contact with accused after charge was written and before hearing had taken place.

Conclusion

Appellant's purpose in writing these books is not designed to injure the operation of this institution. It is in fact a professional and financial endeavor, and in that context does not violate any rule within the [REDACTED] D.O.C. Appellant has agreed of his own accord to refrain from producing manuscripts which utilize weapons and/or instruct on the

Supplement D.

Conclusion (Cont'd)

construction of hand weapons, and this he has done to be reasonable with staff in an effort to diffuse the current problems that exist between Appellant and Administration. In light of this fact, and each ground stated in this appeal severally and individually, Appellant requests for good cause shown that this charge be reversed from conviction and expunged from Appellant's files.

OCT 12 1998

but note that where I have written "Please see accompanying supplements A through D," three and a half lines are provided on the form in which an inmate is expected to state his reasons for an appeal review. I have added four supplemental pages, and have given a basic summary of the course of the hearing stating a sufficient number of reasons for a reversal. The page marked C5-5 is the warden's response. He has stated a number of reasons for upholding the conviction, and the page marked C5-6 is the form page for an appeal to the Regional Administrator. The twenty-one pages that follow are my accompanying annotations. After reading the first appeal to the warden, his rebuttal, and my final appeal to the Regional Administrator, you will have a clear picture of how the Adjustment Committee hearing went, and exactly what it requires to take an appeal through the process to seek a just conclusion to a bullshit charge.

The Regional Administrator reversed the charge and ordered it expunged from my files on December 9, 1988, and it was not until the end of January that all my privileges were fully restored. The Major who ordered the initial lock-up clearly abused his authority, and I do not think it was simply incompetence. This is what you call an asshole, a pig flexing his authority without justification, just because he has the authority to do it. If any real danger had been suspected, he would have had me locked up on Monday, the same day the manuscript was confiscated instead of waiting until Wednesday afternoon. Pigs are cowards, and they are going to react without delay to a potentially dangerous situation, especially if they themselves feel personally threatened which would have been the case had I been training an army. They knew no danger was present, and my daily schedule was very obvious and completely visible. I do not think there was any real suspicion that I was secretly conducting a training class or mass producing instructional material. Exactly what their true purpose was, I do not know.

What I do know is that for no justifiable reason, I was taken out of an honor block where I had been for years without incident, locked in a segregation unit under investigation for almost two months, and when the investigator found nothing to justify the investigation or a charge to write, another investigator got into the action and ordered that a charge be written anyway for something which is not listed

DEPARTMENT OF CORRECTIONS
DIVISION OF INSTITUTIONAL SERVICES

Date: October 31, 1988

TO: _____
FROM: Corrections Facility Director C
SUBJECT: Adjustment Committee Hearing Appeal

1. Adjustment Report Cited: POSSESSION OF CONTRABAND
2. Date/Time Infraction Occurred; 9-29-88/10:00 a.m.
3. Date/Time Hearing Conducted; 10-7-88/2:30 p.m.
4. Tape Reference Number: 88/89B
5. Date Appeal Received: 10-13-88
6. Appeal to Next Level of Authority;

Mr. _____
Regional Administrator
Room 2077

A review has been conducted of the above referenced Adjustment Committee action. It is the finding of this office that:

1. The hearing was conducted pursuant to and in accordance with the provisions of Division Guideline 861, Inmate Discipline.
2. You were afforded all due process rights.
3. The books in question are not authorized for possession by inmates in this institution. The DGL's and IOP's could not possibly list all items which could be made by inmates. Department Policy permits the institutional staff to confiscate any item which could threaten the security and peaceful order of the institution. Since martial arts publications are prohibited, it is logical that such materials authored by inmates would be confiscated as contraband.
4. The committee thoroughly questioned the reporting officer regarding his contact with you prior to the hearing, and determined that the provisions of DGL #861 were not compromised. There is no evidence to suggest that the reporting officer gave false testimony at your hearing. (CONT.)

I find no procedural errors and you have not provided me with justifiable reason to modify or disapprove the action recommended by the Adjustment Committee. Your appeal is therefore denied.

cc: Adjustment Committee Chairman
Inmate Institutional File
Appeal File

October 31, 1988

Adjustment Committee Hearing Appeal (cont.)

POSSESSION OF CONTRABAND

Charge Date: 9/29/88

Page 2

5. Since any knowledge you have is not an object which can be inventoried, it cannot be classified as contraband, unless you commit such knowledge to writing, which would then make the material the knowledge was recorded on contraband.
6. The writing of any specific information, which would enable someone to pose a threat to the security of the facility is prohibited. You are permitted to author materials which do not pose any such dilemma.
7. Whether your intention in writing the books was to create a threat to security or merely express yourself, the potential misuse of the knowledge written, presents an unacceptable risk to the operation of the facility and therefore such writings will be prohibited.

anywhere as infractionary behavior. The hearing conducted on the merits of the charge was a complete sham, and it took every available remedy just to get the charge reversed and taken off my record. The length of time that had gone by from the day I was locked up until I was restored to my previous status was five months. Five months of punishment for writing a book, and no regulation exists prohibiting writing in any fashion. That is abuse of authority, and is what any intelligent human being would call cruel and unusual punishment.

As the appeals will demonstrate, the guilty verdict should have never been the conclusion of the Adjustment Committee hearing. The charge should have been thrown out right there, but even if not, it should never have gotten past the first review by the assistant warden, or the second review on appeal to the warden. It is pointless to have regulations if no one is going to adhere to them. The warden and the assistant warden were obligated to reverse the conviction. It is their job, by their own admission, to review the Adjustment Committee process to insure that guidelines are being followed and that the hearings are being conducted fairly. When called upon to perform this simple function, the assistant warden made no review at all, and the warden responded to logic and truth with a series of lies and denial of the facts. Both of these men, along with the Adjustment Committee Chairman, deliberately denied me the right to a fair hearing, and all three of them denied me the right to Due Process. In addition, the reporting officer told a deliberate lie during the hearing, and that is a matter of record and is on tape. So again, I ask the question: Who will stand for the prisoner? Who will bring these men to justice?

Now I am sure that the state would argue in court that this was an isolated incident, but I know a man who was convicted in just such a hearing of being in possession of contraband. The contraband cited in the report was two handballs, which were given to the inmate by the recreation supervisor employed by the department of corrections. When the hearing was held, the recreation supervisor was called in by the inmate as a witness. The recreation supervisor testified at the hearing that 1) he had given the handballs to the inmate, and 2) that he was allowed to keep them in his cell. The Adjustment Committee Chairman found the inmate guilty of the charge and issued punishment. Ridiculous, is it not?

APPEAL OF JUDGEMENT OF CONVICTION

TO

LEVEL II RESPONDANT, REGIONAL ADMINISTRATOR

Comes now, [REDACTED], an inmate of the [REDACTED] Correctional Center, hereafter referred to as Appellant, and does hereby petition addressed respondent to reverse and expunge from Appellant's files, the judgement of conviction on the attached Major Offense Report dated 09/29/88, Offense Code 224, Offense Title, "Possession of Contraband."

STATEMENT OF PARTICULARS

Appellant was charged in the attached action entitled Major Offense Report with a Divisional Guideline infraction code #224, Offense title Possession of Contraband. The said contraband is stated as "self made books about Martial Arts and some Martial Arts books, these items are contraband."

Appellant does hereby certify to the respondent that:

- 1.) He is the sole author of said books.
- 2.) That the items identified as "self made books" are his personal copies of said books retained by him as a record of the content, and that attached to said books are his records of negotiating correspondence with the publisher, and the final negotiated publishing contract.

Appeal to Level II,
Page 2.

- 3.) That the items identified as "some Martial Arts Books" are copies of the final work as published in book form by the publishing company.
- 4.) That all of the items identified as and charged as contraband are the writings of the Appellant.

INTRODUCTION

The case now before the respondent examines much more than the mere issue of guilt of having broken an institutional rule, it is accusatory in substance of the administration of [REDACTED] Correctional Center having committed a civil transgression against Appellant. It examines whether or not an institutional government has the authority to interpret laws passed by the [REDACTED] Legislature, and interpret the meaning of the Bill of Rights of the Constitution of the United States. It challenges by demonstration of the issues whether or not the warden has been given the authority to enforce laws not passed by the legislature. It challenges whether or not the Federal Government has given (WARDEN) [REDACTED] (ASSISTANT WARDEN) [REDACTED] and (MAJOR) [REDACTED] the authority to contravene the specific rights guaranteed by the First Amendment. And finally, it questions whether or not Appellant has at all broken a written rule, and whether or not due process should

Appeal to Level II,
Page 3.

be granted to accused inmates by adherence to Divisional Guideline #861 during Adjustment Committee proceedings. Appellant will show in the following pages that:

- 1.) Divisional Guideline 861 was specifically violated by the reporting officer by questioning Appellant about the charge AFTER it was written and BEFORE it was heard by the Adjustment Committee.
- 2.) That Adjustment Committee chairman had confirmed knowledge that the 861 prohibition against further contact with an accused inmate had been violated.
- 3.) That Appellant has been found guilty of an infraction that is not mentioned in any DGL or IOP, and that under color of the contraband rule, Adjustment Committee and warden have uniformly deprived Appellant of his First Amendment right without due process of law and without the authority to do so.

GROUND'S FOR APPEAL

Appellant does hereby request review by the respondent of the merits of the case presented including but not limited to the following grounds.

- 1.) Reviews by both Assistant Warden [REDACTED]

Appeal to Level II,
Page 4.

- and Warden [REDACTED] were conducted incompetently and in violation of the provision entitling Appellant to an impartial review of the issues.
- 2.) Both previous reviews claim authorities not vested in the respondents by the Department of Corrections, or by the legislature, and in specific violation of the Constitution of the United States to which all states are bound.
 - 3.) Warden [REDACTED] presented a seven point rationale for refusing to grant the relief of expungement and reversal of the charge as sought by the Appellant, six of which are falsely presented and inconsistent with the evidence available for review.
 - 4.) Points A through F of original appeal to Warden at Level I are presented again as evidence and cause for dismissal. [attached with charge]
 - 5.) The administration at [REDACTED] has failed to varify an issue of threat to safety and security of the institution.

Appeal to Level II,
Page 5.

ANNOTATIONS TO GROUNDS FOR APPEAL

APPELLANT'S GROUND #1 A competent review of the issues of the charge in question would have revealed that;

- A.) No Divisional Guideline prohibits any inmate from writing books.
- B.) No Institutional Operating Procedure [IOP] prohibits any inmate from writing books.

On the facts presented in points A and B, there are no grounds, and no substantiating cause to adjudge Appellant's writings to be contraband.

- C.) No censoring committee has prohibited the composing of ANY written material, much less the composition of Martial Arts manuscripts.
- D.) No DGL or IOP has ever been written which would even remotely identify a prisoner's own writings as contraband.

On the facts presented in points C and D, charge is written without (thr) grounds or authority to claim personal manuscript compositions as contraband.

- E.) Officer [REDACTED] (Reporting Officer) did extensively question Appellant about the subject of the charge AFTER he had written the charge and BEFORE the charge had been heard by the Adjustment Committee in direct violation of DGL 861. (Ref. Adj. Comm. Tape #88-89-B).
- F.) That Adjustment Committee Chairman did confirm this violation by questioning Officer [REDACTED] (reporting Officer), and did violate procedural policy in continuing the hearing. (See Adjustment Committee Hearing Tape #88-89-B).

On the facts presented in points E and F, there is a procedural due process violation.

- G.) Most importantly, (WARDEN) [REDACTED] acting in the capacity of Level I expurgator, has issued a response to the Level I appeal in a totally intellectually incompetent manner. His seven findings listed as reasons to uphold the conviction of the charge demonstrate that he has

Appeal to Level II,
Page 6.

either neglected deliberately to afford Appellant the relief he is entitled to by the merits of the case, or the issues are truly beyond his intellectual capacity, and Appellant would submit that Warden is capable of comprehending the issues and has presented these insultingly impotent grounds as justification for refusing to afford Appellant his patently obvious right to have this absurd charge and conviction expunged from his files thus restoring Appellant's infraction free record.

APPELLANT'S GROUND #2 The vernacular of the First Amendment to the Constitution of the United States [Declared in force December 15, 1791] affords the specific right of speech, expression, and the press to all American citizens.

ARTICLE I. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or ABRIDGING THE FREEDOM OF SPEECH OR OF THE PRESS; or the right of the people to peaceably assemble and to petition the Government for a redress of grievances." (Emphasis added).

It is further expressly forbidden by virtue of the Fourteenth Amendment to the Constitution of the United States for any state authority to abridge the privileges of a citizen of the United States.

ARTICLE XIV. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS." (Emphasis added).

Appeal to Level II,
Page 7.

The First Amendment right has always been upheld by the United States Supreme Court, and never has the court allowed even the outermost surface of that right to expression to be abridged in any form, and least of all in the context of published works. In the case at hand, there exists no prohibition against Martial Arts books being written or even possessed by Department of Corrections guidelines. To apply the "danger to the safety and security" clause to an entire class of books after the fact would in itself be a denial of due process. In my particular case, I was a known Kung Fu Instructor from the day of my arrest, and my institutional file reflects the fact that I am a professional Martial Artist. The upholding of this charge identifying my own writings as contraband presupposes the authority to;

- A.) Take away my First Amendment right to expression and the press.
- B.) Take away my Fourteenth Amendment right to my privileges guaranteed to me as a citizen of the United States.
- C.) Take away my Fourteenth Amendment right to equal protection of the laws, that law being the Constitutional guarantee to freely express myself without being punished for it.

The fact that this charge was written, the fact that I was locked up in segregation because the book was found, the fact that I was found guilty of the charge, the fact that Assistant Warden [REDACTED] approved the conviction, and

Appeal to Level II,
Page 8.

the fact that Warden [REDACTED] approved the conviction on their reviews intentionally violates the Fourteenth Amendment clause; "...No state shall make OR ENFORCE ANY LAW which shall abridge the priviledges or immunities of citizens of the United States;..."

(Emphasis added). It is my right to express myself orally or in written form. The Department of Corrections cannot make a law or enforce a law denying me that right. Furthermore, the state has not made any such law, rule, or regulation, nor has it sanctioned the administration to enforce any law, rule, or regulation abridging that right, and the authority to pass judgement with regard to safety and security ends where it abridges the rights guaranteed to inmates by the Constitution. The threat that is supposed has not been substantiated.

I have claimed in ground #2 that both (WARDEN) [REDACTED] and (ASSISTANT WARDEN) [REDACTED] are claiming and executing authorities that have never been given to them. Those authorities specifically are: The authority to violate the Constitutional Rights of prisoners which has been done by not giving an impartial review of the charge when their duties demanded the review, and the authority to act on behalf of the legislature by enforcing a law that does not exist in the state of [REDACTED] or in the Department of Corrections. Nowhere is it stated that Martial Arts

Appeal to Level II,
Page 9.

writings are contraband when an inmate is or is not the author of the writings, and to approve a guilty verdict on an infraction that states that Martial Arts books are contraband is enforcing a law forbidden by the Constitution of the United States, and is enforcing a law that the [REDACTED] legislature has neither written nor approved; and if a state law, DGL, or IOP was written prohibiting an inmate to write on the subject of Martial Arts, it would be in direct indisputable violation of the Constitution of the United States by virtue of the First and Fourteenth Amendments.

APPELLANT'S GROUND #3 Warden's Level I response stated in a seven point response that:

Warden's #1: "The hearing was conducted pursuant to and in accordance with the provisions of Divisional Guideline 861, Inmate Discipline."

The most unmistakeable violation of the 861 Guideline may be found in the review of the Adjustment Committee tape [88-89-B]. Please listen to the questions Appellant asked Officer [REDACTED] (reporting officer).

Question #1: "You wrote this charge on 9/29/88, yet it was a month prior to this date that you went through my property. Why did you delay in writing this charge?"

Officer [REDACTED] responded that the matter was under investigation which according to 861 is an acceptable cause for such a delay.

Appeal to Level II,
Page 10.

Question #2: "When were you advised by Lt. [REDACTED] ^(INVESTIGATOR) that the investigation had been completed?"

Officer [REDACTED] responded that he wrote the charge when notified that the investigation was completed. No procedural error exists at this point.

Question #3: "In this charge, you have stressed the fact that MARTIAL ARTS BOOKS are contraband. Please tell the Committee what DGL or IOP you referred to that described Martial Arts Books as being contraband."

Officer [REDACTED] makes reference to the binding of my personal copies of these books and cannot state an IOP or DGL describing Martial Arts Books as being contraband. This is an issue of priority. There is no such reference, but here for the moment we are examining adherence to 861 so that issue is put aside for the moment.

Question #4: "Is there a DGL or IOP that states that an inmate is forbidden to have or make quote 'a self-made book?'"

Officer [REDACTED] states that he knows of no such DGL or IOP.

Question #5: Do you know of any DGL or IOP forbidding an inmate to write books on Martial Arts?"

Officer [REDACTED] again states that he knows of no such DGL or IOP.

Question #6: Do you know of any DGL or IOP forbidding an inmate to be in possession of his own writings?"

Officer [REDACTED] responds to this question in the same manner as the previous two questions.

In the following four questions, and in the two subsequent questions that the Adjustment Committee Chairman (Sgt. [REDACTED]) asks Officer [REDACTED] (reporting officer), the Divisional Guideline 861 is indisputably and undeniably demonstrated as having been violated.

Appeal to Level II,
Page 11.

Question #7: "You took me to the property room this past Monday to retrieve certain papers and books from my personal property stored in a locked area under your supervision. Enroute to the property room, you asked me and I quote 'did you really write all those books?' Is there any question as to whether or not I am the author of these books?"

Officer [REDACTED] responds casually that he didn't know and etc., etc., but in his response he is admitting that he did in fact ask the question.

Question #8: "You then asked me how long I have been writing on Martial Arts. Do you recall my response?"

He states that he does not recall my exact response, but again, he is admitting asking the question.

Question #9: "These questions were in reference to the books listed on this charge?"

Officer [REDACTED] (REPORTING OFFICER) says yes.

Question #10: "This conversation took place enroute to and in the personal property room this past Monday?"

Again, Officer [REDACTED] (REPORTING OFFICER) says yes.

Following the reporting officer's last response, Appellant brought the attention of the Adjustment Committee Chairman to the fact that reporting officer had in fact questioned Appellant on the merits of the charge after it was written and before it was heard. I ask the Adjustment Committee Chairman if he needs anything more to dismiss the charge. Adjustment Committee Chairman turns to Officer [REDACTED] and asks "Did you discuss this charge with the inmate?" Reporting officer states that he did. Adjustment Committee Chairman then asks reporting officer if he initiated the conversation, and reporting officer says that he did.

Appeal to Level II,
Page 12.

Appellant turns respondent's attention at this time to the Inmate Handbook, [REDACTED] Department of Corrections, Division of Institutional Services, pages 12 and 13, beginning at the bottom of page 12:

3.) Responsibilities of reporting officer: Following the preparation of the Disciplinary Report, the Reporting Officer shall:

- A.) Submit completed report to the officer-in-charge and provide any further information which he/she might request.
- B.) Initiate no further contact relative to the charge with the accused inmate... (EMPHASIS ADDED).

The Adjustment Committee Tape [#88-89-B] will varify the questions and responses of Officer [REDACTED] the Reporting Officer. Question numbers seven through ten, and the subsequent two questions by the Adjustment Committee Chairman will varify that Reporting Officer did question Appellant on the subject of the charge. Divisional Guideline 861 expressly forbids "...further contact relative to the charge with the accused inmate,..."

The warden has stated that the hearing was conducted properly according to 861. The above annotation and the DGL quotation from the handbook demonstrate that the reporting officer indisputably violated 861 by questioning Appellant after the charge was written and before it was heard, and by his own admission, these questions were "...relative to the charge..." Divisional Guideline 861, and thus **PROCEDURE** was violated. The warden was made

Appeal to Level II,
Page 13

aware of this fact by Appellant's appeal to Level I, and warden would have reviewed the Adjustment Committee Hearing tape and heard the facts for himself. Warden's #1 insults the obvious facts in stating that 861 was adgered to. In fact, 861 was violated by reporting officer, and by the Adjustment Committee Chairman by not acting on the confirmed information that he himself varified with his own examination of reporting officer. Warden's #1 is patentedly false and an impugment of Appellant's intelligence, and the intelligence of those who will be called upon to review his decision at the upper levels of the appeal process.

Warden's #2: Warden's response #2 was "You were afforded all due process rights."

In view of the above, the rationale of Warden's #2 is absurd. "Due process" would require adherence to 861, adherence to the laws passed by the [REDACTED] Legislature, and adherence to the Constitution of the United States. 861 forbids the reporting officer to have any contact with an accused inmate relative to the charge, and 861 forbids reporting officer to question an accused inmate on the subject of the charge. This has been proven above to have happened.

Appeal to Level II,
Page 14

"Due Process" would require that the [REDACTED] Legislature bestow upon the Warden the right to make and enforce laws at his own discretion, and this power has not been granted to him when such laws would stand to violate the Constitution of the United States.

"Due Process" would require that the Congress of the United States bestow upon the warden the right to make and enforce laws at his own discretion, and this power has not been granted to him when such laws would rend the very fabric of the American concept by contravening the First and Fourteenth Amendments.

The First Amendment protects the individual's right to expression. The charge stating that Appellant's own writings are contraband is in itself a violation of due process. When the Fourteenth Amendment is applied, the violation becomes more pronounced.

Warden's #3: In Warden's #3 response, he has stated that; "The books in question are not authorized for possession by inmates in this institution. The DGL's and IOP's could not possibly list all items which ~~could~~ COULD BE MADE by inmates...Since Martial Arts publications are prohibited, it is logical that such materials AUTHORED by inmates would be confiscated as CONTRABAND."

Warden has stated that the DGL's and IOP's could not possibly list all items which could be made by inmates. Inmates do not have the Constitutional right to manufacture items. Inmates do have the Constitutional right to express

Appeal to Level II,
Page 15

themselves, and such expression in written form is a Constitutionally protected right. We are not discussing a manufactured item here, we are discussing Appellant's personal copies of his own books which he himself has written. No DGL or IOP states that an inmate's own writings are contraband. No DGL or IOP states that Martial Arts books are contraband. No DGL or IOP states that an inmate's own writings are contraband, and no legislation has been passed permitting the warden, or even the governor for that matter to contravene Appellant's right to express himself in written form.

There are two very important key words in the paragraph of warden's #3; "AUTHORED" and "CONTRABAND." These two words, when laid side by side, which are the essence of the charge, spell Constitutional violation of Civil Rights. Look at these words and the paragraph for what they are saying. The warden is telling Appellant that his First Amendment and Fourteenth Amendment rights mean nothing to him, nor does the law making [REDACTED] Legislature mean anything to him. He is going to interpret the authority given to him by the [REDACTED] Legislature through the Department of Corrections as empowering him to deny the vernacular of the First Amendment.

Appeal to Level II,
Page 16.

Warden's #3 further states that "...Martial Arts publications are prohibited,..." This statement is fallacious. There is no such rule that states that Martial Arts publications are prohibited, and even if there was, there is no rule, and according to the U.S. Constitution, CAN NEVER be a rule prohibiting the writing of Martial Arts material, and as such, the possession of such material by the author cannot be considered contraband.

Warden's #4: It is difficult for me to believe that an intelligent man could make the statement written in warden's #4. At this time, you will have reviewed the last four questions Appellant posed to reporting officer, and listened to the following two questions Adjustment Committee Chairman asked reporting officer. Please go now to the latter portion of the tape [88-89=B] where Adjustment Committee Chairman asks reporting officer again; "Did you question this inmate about the charge?" Reporting officer turned red in the face and said "No." If the tape, the response to the above question, and the responses to my questions and the two previous questions by Adjustment Committee Chairman do not indicate that the statement "No" is false, than there is no such thing as a false statement.

Appeal to Level II,
Page 17.

Warden's #5: In warden's #5 response, he unequivocally dictates his intent to defraud Appellant's First Amendment right to expression. He has said in essence that what I know is alright, but what I write is contraband. Appellant has already repeatedly demonstrated this judgement as a desecration of the laws of the Constitution, the [REDACTED] Legislature, and beyond any authority ever given to any state by the Congress of the United States or the U.S. Supreme Court.

Warden's #6: Writing does not pose a threat to anyone, individuals and their actions do. If written matter is a threat because of it's content, than every time one of the videos that are shown here illustrate a rape scene, than every female that is employed here is endangered by the showing of these films. Audio-visual communication is certainly more effective than written matter, and there have been numerous Martial Arts films shown here, and many other films that have shown Martial Arts techniques. Films are far better teachers than printed matter, and my works, even if I did pass them around would certainly present less of a danger than aidio-visual material on the same subject matter, and where warden does have the authority to censor these films, he does not do so. To censor what printed materials come into the institution

Appeal to Level II,
Page 18.

is within his authority, it is far beyond his authority to censor what an inmate may write, unless such material is designed to overthrow the staff or promotes escape. Even that is violative of the First Amendment, but would at least be reasonable to put controls on. Martial Arts writings represent no such danger.

Warden's #7: Again in this response, the warden is assuming the authority to violate Appellant's First Amendment right to expression. The "potential misuse" of my writings are the concern of the warden, and for him to request that I do not share my writings would be a request not beyond reason or his authority. As a matter of fact, for him to order me not to share my writings would also be reasonable, but to order me not to write on certain subjects is unreasonable and unconstitutional. He simply does not have the authority to contravene the First Amendment, and as such, he is beyond his authority to sanction punishment against me for exercising that right.

APPELLANT'S GROUND #4; Appellant has given the warden more than substantial grounds in his Level I appeal to reverse the judgement of conviction rendered by the Adjustment Committee. Points A through F of the appeal to Level I were not addressed in good faith, and cannot

Appeal to Level II,
Page 19.

be addressed in good faith without reversing conviction. Appellant did demonstrate in these grounds that Martial Arts books are not described as being contraband in any written rule governing procedure of behaviour; that writing books is not stated in any written rule as being infractionary behaviour; that reporting officer did question Appellant concerning the charge after it was written and before it was heard by the Adjustment Committee in direct violation of Divisional Guideline 861; that reporting officer lied during the process of the hearing; and that Adjustment Committee did in fact violate Appellant's right to Due Process by allowing the hearing to continue after Adjustment Committee Chairman himself confirmed by his own questioning that reporting officer had violated the 861 prohibition against further contact relative to the charge. Warden has shunned his responsibility to Appellant by not reversing the conviction and ordering the expungement of the charge from Appellant's files.

APPELLANT'S GROUND #5: The administration of the [REDACTED] Correctional Center has failed in points of action to demonstrate that Appellant's writings on the Martial Arts pose a declared and confirmed threat to the safety and security of the institution. To assert that written

Appeal to Level II,
Page 20.

material, whether instructional or suggestive in nature is in itself a threat is unintelligible, and as such has never been demonstrated. Appellant has been incarcerated for five years and has not only maintained an infraction free record, but has never been involved in a physical confrontation. Appellant does now state that if at any time any person attempted to harm him, he would defend himself as needed, but neither this action nor Appellant's violence-free record substantiates that Martial Arts writings pose a threat to the safety and security of the institution. Warden cannot deny that boxing, which is an art form of Martial content has not only been permitted, but encouraged as an institutionally sanctioned program. Inmates trained openly for hours everyday to develop fighting skills using their hands as weapons to strike and injure an opponent. In it's proper place boxing poses no threat to the safety and security of the institution, and by the same logic, other fighting art forms do not pose any threat. The art form in itself does not pose a threat whether written or manifested physically by performance of the movements in practice, and in fact, it is a most relaxing and gratifying experience, and an accomplished Martial Artist is less likely to engage in open combat because he is less likely to feel threatened by non-physical forms of aggression.

Appeal to Level II,
Page 21.

In the case at hand, we are not even dealing with the physical performance of the techniques, but with the mere writing, in manuscript form for professional and rehabilitative purposes, the elements of Martial Arts. It is Appellant's goal in these writings to prepare a financially stable future for himself when he leaves prison, and the manuscripts confiscated and charged as being contraband are Appellant's personal copies of the works he has prepared and contracted with legitimate publishing companies, and to construe such writings as contraband, and to inflict punishment upon Appellant for writing and being in possession of such writings is not only constitutionally illegal, it is morally wrong.

CONCLUSION

For the reasons set forth and herein contained, Appellant does request that the charge in question be reversed from the judgement of conviction, and be expunged from Appellant's institutional records.

Respectfully and in Good Faith,

[REDACTED]

[REDACTED]

Appellant.

11/4/88.

On another occasion, an associate of mine was charged with possession of contraband. The contraband cited in the report was one paperclip. This particular paperclip had come to the inmate through the institutional mail from the treatment and counseling center. It was in an envelope, and had been holding papers together which were sent to him. The inmate was found guilty of the charge and punishment was given.

Such incidents of abuse are not uncommon, but it goes much deeper than that. Security "Investigation" lock-ups can happen at any moment. No one has to justify this action, either before or after the occurrence of such a lock-up. The lock-up I previously described for writing a book was not the first time it had happened to me, it was the third, and it was the second one that really made me realize how well the term "pig" fit prison administrations.

Look at example page C5-7. On October 3rd of 1986, I was returning from my job at the print shop where I was working a double shift. It was 11:00 AM, lunch time. When I got to the cell block, there was a second padlock on my cell door, put there by security. I asked the officer in the block why the lock was on the door. He said one of the sergeants put it on there and would be back shortly. There was also a lock on the door of another inmate, and a third had been locked up already. I knew then what was going on, but didn't know why I was being locked up with the other two. They were drilling through the bars on their windows. I was aware of it, but had nothing to do with it, and wasn't drilling through mine. When the sergeant returned, he had another white shirt (ranking officer) with him, and they handcuffed me and the other inmate and took us to the segregation block.

The sheet marked C5-7 is the paperwork I was given. At that point I was calm, and knew that I would be out of the "hole" in a day or so because I wasn't involved with what the other two men were doing. I figured because I was a friend of one of the men that they suspected that I was involved or that it was just a confusion. The bars on one of the men's cells has had so many holes drilled into it that if you leaned against it too hard it would probably fall into the yard below. I was unaware of how far the other man had progressed with his drilling, but I did know that no holes were drilled in mine, and this would be

PCC-267

DETENTION/I.C.C. REFERRAL NOTIFICATION

Side One

NAME NUMBER DATE October 3 1986ADJUSTMENT REPORT RELATED PRE-HEARING DETENTION (Part 1) Do not use with Parts 2 & 3.

_____ This is to inform you that you are being placed in detention for your involvement in the
below tested offense as the _____ subject _____ witness.

(Give brief description of offense, date, time, how involved.)

You will be heard by an (I.C.C./Adjustment Committee) not later than two (2) working
days from the above date. Four days will be allowed if an attorney is requested.

OTHER DETENTION ASSIGNMENTS (Part 2) Use with Part 3 only. Not with Part 1.

This is to inform you that you are being placed in detention for:

_____ Self protection (other side must be completed.)

X Investigation. At the request of the Administration & Security because _____
_____ Involvement in an escape plan.

Please be advised that you will be brought before the I.C.C. within three (3) working
days (72 hours) to determine disposition of this matter.

+++NOTIFICATION OF REFERRAL TO INSTITUTIONAL CLASSIFICATION COMMITTEE+++Part 3) Use in combination with Part 2 only. Not for use with Part 1.

You will be brought before the I.C.C. on October 7 19 86 for consideration for possible
transfer to a higher degree of security within the institution or transfer to another institution.
This review is being conducted at the request of Security for the
following reasons: _____

You will be permitted to; 1. be present at the hearing, *2 hear the reporting officer's testimony, *3. call and cross examine witnesses, *4. cross examine adverse witnesses, 5. remain silent, 6. have an employee or your counselor present to assist you, 7. receive a copy of the written findings and recommendations of the Institutional Classification Committee, and 8. know the reasons for any decisions rendered by the Institutional Classification Committee concerning this matter.

* Items 2, 3, and 4 will not be afforded the inmate during hearings which are the result of
and/or based solely on documented Adjustment Committee reports.

This is to certify that I have received a copy of this notice and that I have had the same
explained to me. Listed below are the witnesses (when allowed) that I wish to have appear
in my behalf at the above mentioned hearing.

WITNESS/ES REQUESTED

Inmate Signature _____ Date _____

Signature of Witness serving paper
(Sworn Corrections Employee)

DISTRIBUTION:

Original - Asst. Supt. of Programs

cc: Security Housing O-I-C

cc: Inmate

cc: Security Housing Counselor

Date Served _____

Time Served _____

NOTE TO EMPLOYEE SERVING NOTICE: "X" OUT OR "VOID" OUT ALL PAGES WHICH ARE NOT APPLICABLE
TO THE INMATE WHO IS BEING SERVED. THIS NOTICE MUST BE
SIGNED BY THE EMPLOYEE AND THE INMATE. REFUSAL BY THE IN-

discovered when they shook down the cells. By late afternoon, the sheet marked C5-8 was brought to my cell, and I realized at that point that something shitty was going down. That night information had gotten back to us that they had welded the bars on all three of our cells, and I knew right then I was being set up.

On the 7th of October, I was taken to an ICC hearing. When I sat at the table across from this panel, a different panel totally than the one previously described, I asked, "What's going on? There was nothing in the base of my fan. Why was this charge written?" The committee members smiled apologetically and one said "We're just holding this hearing today to decide whether or not to keep you in 'M' building pending the outcome of the Adjustment Committee hearing, but we need to know what (other inmate) was doing." I know my face flushed a bright red because the anger that raced through me at that moment sent a physical heat through me. I held my cool and said, "What number do you have on that file there in front of you (mine)?" They knew what that meant, and knew they weren't going to be able to squeeze me into telling them what I knew, if anything at all, about what the other two men were doing. A very heated dispute followed the initial exchange of words, and as I was assuring them that they were asking the wrong person for information, they were assuring me that I would be in "M" building indefinitely for refusing to cooperate with them. By the time it was over, I had called them everything I could think of, knowing I would be sitting in the hole for something that I not only had nothing to do with, but for something they knew I had nothing to do with. So I was taken back to my cell "pending investigation," and awaiting the Adjustment Committee hearing on the charge they came up with for me.

Let me interject some additional information at this point to clarify the total picture. If you will refer to the sheet marked C5-8 and read "Description of Offense," you will note that this bust is the result of someone's *reliable information*, and the charge also states that contraband was found in the base of my fan to substantiate the charge. To begin with, it has been a rule in this prison system for quite some time that when an inmate is suspected of having contraband and his cell is shaken down to search for it, a ranking officer *and* the inmate must be present. This rule was established when officers were being caught

MAJOR OFFENSE REPORT DIVISION OF ADULT SERVICES

Inmate's Name [REDACTED] Number [REDACTED] Institution [REDACTED] Corr. Center [REDACTED] Dorm C-5 A-40
 Offense Code 101 Offense Title Attempted Escape
 Date October 3, 1986 Time 2:30 am/pm Location C-5 A-40

DESCRIPTION OF OFFENSE: On the above time, date, and, place I Capt. [REDACTED] had reliable information that you were planning an escape. After shaking down your cell contraband was found in the base of your fan to substantiate this charge.

Witness(es) _____ Reporting Officer Signature [REDACTED]
 Name Printed Capt. [REDACTED]

Date October 3, 1986 Time 2:30 PM

Pre-Hearing Detention: () YES () NO IF YES, Attach Authorization Form.

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Silence constitutes a waiver of the first two rights.

1. Request Inmate or Staff Advisor: () YES (☒) NO IF YES, name (and number if inmate) _____
2. Request Witnesses: () YES (☒) NO IF YES, names (and numbers if inmates)
 (1) _____ (2) _____ (3) _____
 (4) _____ (5) _____
3. I DO () DO NOT (☒) waive my right to 24-hour notice prior to hearing.
4. I DO (☒) DO NOT () wish to appear before the Adjustment Committee (Refusal to appear constitutes an admission of guilt.)
5. Date Set for Hearing _____
6. The Reporting Officer will be present at the Hearing.

I have been informed of the charges against me, and advised of my rights at the Adjustment Committee Hearing.

Witnessed by [REDACTED] Inmate's Signature [REDACTED]
 _____ (Two signatures required if inmates refuse to sign)

Inmate Provided copy of Report: Date 10-6-86 Time 10:07 am/pm

Officer-in-Charge's Signature [REDACTED]
 Name Printed [REDACTED]

REASONS FOR CONTINUANCE (Attach copy of Notice served on inmate): _____

Revised Hearing Date _____

MAJOR OFFENSE REPORT

planting contraband in an inmate's cell during the shakedown process. Therefore, the proper procedure here would have been to padlock the cells like they had done, and when the other inmate and I had returned from work, have a ranking officer and a shakedown crew there waiting for us and conduct the search in our presence. The exception to this rule is when immediate danger is present, such as in the occurrence of violence. Since no such violence was indicated, procedure required the presence of the inmate and the ranking officer to conduct the search.

Why was the procedure not followed? In the first place, there was nothing in the base of my fan. And as a matter of fact, there was no contraband in my cell whatsoever. I believe that whoever provided this "reliable information" was afraid that I would know who he was, or at least suspect him, and that he explained this to the captain he had given the information to, and that they locked me up to protect the informant. To conceal the purpose of the lock-up, they wrote the charge to justify it. However, escape in a prison, especially a maximum security prison is a very serious charge, and more so when confirmed by possession of contraband that has been construed as tools for the purpose.

A second point here is that both of these other men had carbon drills, handles, and assorted other items stashed in the bases of their fans which they had been using to cut through the bars with, and though the charge does not indicate exactly what contraband has been found in my charge, or the other two identical charges that were served on the other two men, I was sure that they were going to produce these items at the hearing as evidence. My thoughts were that since they had gone to the extremes they had gone to at this point, they would use some of the drills and other items from these other men's fans as evidence at my hearing, but I knew that no officer was going to perjure himself and say that he himself found them, so I was trying to anticipate their moves so I could prepare a defense. My first and foremost defense was that I was going to ask for a continuance to be polygraphed by a state investigator. That should be sufficient evidence to get the charge thrown out, and since I was sure that the officer who wrote the charge was going to offer some excuse for writing the charge and not producing the officer that supposedly found the contraband, I was sure

I had the charge beat and would be released the same day, one way or another. I was in for a series of realizations about where I really was that would take me a long time to sort out and put into perspective.

On the morning of October 8, 1986, all three of us were taken out of our cells and put into the holding area as the Adjustment Committee convened. What amazes me so much about this is that they had to lie to find me guilty of this charge in the first place, but they were being systematically so stupid that not only did they put us in an area where we could talk together to prepare sequential defenses, but they took the two guys that were charged with me into their hearings before I went into mine. As each of them came out of the hearing room, they told me what evidence was produced, who testified against them, and everything else. By the time I went into my hearing, I knew exactly what to expect, what objections to make while the hearing tape was running, and exactly how to prep my appeal. I was totally amazed by this time at how sloppily these people conducted their dirty business, but by this time I knew I was going to be found guilty, and if I did beat the charge, it would be on appeal to the Regional Administrator, so I was prepared for the event.

The information I got from these two guys was that a specific officer did the shakedown of the property while it was in the cells, found the drills and other paraphernalia in the bases of their fans, and testified that he found it. Photographs of the items were admitted as evidence. One of the men asked this particular officer if he was the one that shook down my cell, and he said he did. When this officer was told that I had been given a charge for drills, he stated that he opened my fan and had searched my property and had found nothing. Upon hearing that, I was overwhelmed with curiosity as to who was going to testify that they found this contraband in my cell since the officer that shook the property down had already said he searched my cell and found nothing.

When I went into the hearing, the first thing I said was that I wanted a continuance to take a polygraph. Denied. Then I said I wanted to call the inmate that had given me the information about the shakedown as a witness. Denied. Then I requested that the officer that testified at the other hearings be called in as a witness. Denied. When I objected to the proceedings because my right to call witnesses was being denied, I was told to shut up. The committee chairman then told the officer

who wrote the charge to state the facts, and he said he was the one who shook down my cell and that he found five drills, and a homemade metal handle to use with them. My first question was "Where are these drills?" He said they were locked up in an evidence locker and could not be produced. Bingo! Now I was sure that this conspiracy had only a few participants. He couldn't get any extra pictures of drills, and he was too dumb to use one or two from the other batches. He didn't have any evidence at all, he didn't even have a back-up witness. I said to the chairman, "You just heard two identical charges to mine before I came in here, and there were photographs produced as evidence of the contraband, along with the officer that shook down the property. He's lying, there weren't any drills or anything else in the base of my fan."

Now I knew that the Adjustment Committee chairman was in on this whole mess, but all I was trying to do was get my objections onto the hearing tape to refer to in the appeal. The chairman told me the other charges had nothing to do with mine. I said, "Bullshit. We are all charged with the same escape attempt and were all locked up at the same time from the same information provided by your 'reliable informant.' Those pictures, or the evidence have everything to do with my charge." The chairman turned off the tape which he was not supposed to do without stating on the recording why he was turning it off, and told me to shut up. The whole thing was too out front then, so I decided to have a little fun with the chairman. I said, "Fuck you, nigger. You don't tell me to shut up." To make a long story short, I cussed at all of them for the duration of the hearing, and according to the plan, they found me guilty and sent me back into segregation. (See sheet number C5-9.)

That evening, I wrote five letters to various department heads in the downtown office, and one to the assistant warden. In each of these letters, I gave a full account of the proceedings along with what additional information I had been given from the other two inmates who had been charged with the escape. In each of these letters I demanded a polygraph and a review of the proceedings by an investigator. One of the letters went to the assistant warden, and all of them noted who else had received copies of the letters, one of which was directed to the criminal investigation office of the department of corrections down-

MAJOR OFFENSE REPORT

ADJUSTMENT COMMITTEE HEARING

Tape No. 86/384-1 Time 10:00 am Date 10-8-86Plea: () GUILTY ☒ NOT GUILTY Inmate's Signature [Redacted]

Reason for Absence of Requested Witnesses:

PENALTY CONSIDERATIONS: Inmate's file indicates no major infractions within the last six months

Committee Decision: (☒) GUILTY () NOT GUILTY () DISMISSEDPenalty: Loss of all good time and refer to ICCReasons for Decision: Information obtained from the reporting Captain and confirming his report as written indicated from his reliable information that he received prompted him to conduct a shakedown of the accused's cell. He found items in the accused's fan that the accused was attempting to escape with.Chairman's Signature [Redacted] Member [Redacted]Chairman's Name (printed) [Redacted] Member [Redacted]

This is to certify that I have received a copy of this Report, and have been advised of my right to appeal the decision to the Warden, Superintendent and Regional Administrator of this Region review the case.

Inmate's Signature [Redacted]Admitted to Isolation: () YES Date In [Redacted] Weight In [Redacted]() NO Date Out [Redacted] Weight Out [Redacted]INSTITUTIONAL REVIEW (☒) APPROVED () DISAPPROVED
() SUSPENDED

Comments: _____

Signature: [Redacted] Date: 10/8/86Title: Chief of Security

REGIONAL REVIEW () APPROVED () DISAPPROVED

Comments: _____

Signature: _____ Date: _____

Title: _____

town. Three days later, I received a letter from the assistant warden advising me that when the charge came across his desk he would act on it accordingly. When the formal appeal reached him, he reversed the charge and ordered it expunged from my files.

The entire process, from the day of the lock-up until I was released back into population and restored all my privileges took six weeks, and like the incident previously described, without me having broken any institutional or state laws. The information provided and the testimony given at the hearing was all by a captain, and known to the major and the assistant warden of programs, as well as the warden's personal assistant who had all set on my first ICC hearing.

So, what can I do about this? The courts say that there is an effective grievance process through which both major and minor disputes may be resolved. Are the courts telling the truth to the public? Let's observe such a grievance going through the process.

Observe sheet number C5-10. This is a grievance I filed the same day I received the charge for attempting to escape and possession of escape contraband. In the blank marked "Grievant's Statement," I have written the following: "Captain XXX knowingly and deliberately furnished false information that I had contraband in the base of my fan, and wrote a charge accordingly to cover his error of having me locked up for suspicion of involvement in an escape plan." In the area marked "What action do you want taken?," I have written, "I demand to be interviewed by Officer X (Institutional Investigator) to be cleared of this charge and bring formal charges against Captain XXX. I prefer that he arrive here with a polygraph and with an attorney on my behalf." Simple enough request, but very serious accusations against a Watch Commander, but I had committed myself to taking the polygraph and I was ready to take it. He did lie, and I wanted a piece of his ass for it.

Observe now sheet number C5-11. This is the level one response. It reads, "Your allegations are denied. Mr. X (Institutional Investigator) is aware of your request." No investigator ever came, with or without a polygraph. Naturally I appealed the response to the next level. I marked on the same sheet that I wished to appeal to the next level with the following statement, "There was obviously no attempt to

DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Inmate Name/Number: [REDACTED] Housing Unit: "M" BLDG. C-8 Institutional Log Number: 8604818

GRIEVANT'S STATEMENT

What is your complaint? CAPTAIN [REDACTED] KNOWINGLY AND DELIBERATELY FURNISHED FALSE INFORMATION THAT I HAD CONTRABAND IN THE BASE OF MY FAN, AND WROTE A CHARGE ACCORDINGLY TO COVER HIS ERROR OF HAVING ME LOCKED UP FOR SUSPICION OF INVOLVEMENT IN AN ESCAPE PLAN.

What action do you want taken? I DEMAND TO BE INTERVIEWED BY OFFICER [REDACTED] TO BE CLEARED OF THIS CHARGE AND BRING FORMAL CHARGES AGAINST CAPTAIN [REDACTED]. I PREFER THAT HE ARRIVE HERE WITH A POLYGRAPH AND WITH AN ATTORNEY ON MY BEHALF.

Type of grievance: Regular ☒ (See Page 2 for Level I Response)
Emergency ☐

Grievant's Signature [REDACTED]

Date/Hour* Submitted

Employee's Signature [REDACTED]

Date/Hour Received

*Only include hour for Emergency Grievances

EMERGENCY GRIEVANCE RESPONSE

(To be completed by Superintendent/Warden or designee and returned to the grievant within eight (8) hours. If grievance is ruled as non-emergency, specific reasons for that determination shall be given.)

RECEIVED
OCT 27 1986

OCT 20 1986

OFFICE OF THE WARDEN

REGIONAL OMBUDSMAN

Superintendent/Warden/Designee's Signature

Date/Hour

If you are dissatisfied with a non-emergency ruling, you may request review of that determination by the Regional Ombudsman within five (5) calendar days, and/or resubmit your complaint as a regular grievance. If you need assistance, see the Staff Grievance Coordinator.

LEVEL I RESPONSE - INFORMAL: Inmate/Staff Participation (Both Level I Responses, Informal and Formal, are to be completed within 15 calendar days)

Results of Informal Resolution Attempt: _____

YOUR ALLEGATIONS ARE DENIED. MR. [REDACTED] IS AWARE OF YOUR REQUEST.

- () I am satisfied with this response if implemented as stated.
 () I am not satisfied with this response but I do not wish to appeal.
☒ I wish to appeal my grievance to the next appropriate step because: there was

obviously no attempt to INVESTIGATE the lie. Did you expect him to admit it?

Grievant's Signature: _____

Date: 10/16/86

Employee's Signature: _____

Date: 10-15-86

LEVEL I RESPONSE - FORMAL: Inmate/Staff Participation

Results of Formal Resolution Attempt (i.e., Committee/Abstracts): _____

Committee Members:
 (If applicable) _____

Date: _____

- () I am satisfied with this response if implemented as stated.
 () I am not satisfied with this response but I do not wish to appeal.

If you are dissatisfied with the Committee's response, you may appeal to Level II within five (5) calendar days. Fill out the section below, sign and date it, and forward it to your Superintendent/Warden. If you need assistance, see the Staff Grievance Coordinator. (NOTE: Summary of abstracts are automatically forwarded to Level II for consideration and response.)

() I wish to appeal this response to the Superintendent/Warden because: _____

Grievant's Signature: _____

Date: _____

INVESTIGATE the liar. Did you expect him to admit it?" At the next level, the assistant warden of operations, the same man who reversed the charge had to address the grievance. He was fully aware of the entire situation with all the details. How did he respond? Look at sheet number C5-12 for his level II response.

The level II response reads: "Your allegations regarding the veracity of Captain XXX are without merit. Your situation is under investigation. As stated before, Lt. X (Institutional Investigator) is aware of your request to see him. Your requested relief is denied." In view of his response, what again was the requested relief? To be given a polygraph, and then to have formal charges placed against the captain for witnessing against me with false information that he *knew* was false. If you will go back to the situation with the charge for writing a book and being in possession of Martial Arts books, a quotation is cited describing the reporting officer's duties, and one of them requires him to report the facts truthfully. This was not done. Consequently, I was not afforded Due Process (adherence to regulations governing the proceedings). No relief on this point had been obtained from the grievance process, and there was one more level to appeal to, level III, the Regional Administrator.

If you will read a little further down page C5-12, you will find my handwritten appeal to the next level. It reads: "Please refer to my letter to you dated 10/10/86. This is a corresponding grievance with that situation." The letter referred to here is the letter I wrote to five different department heads following the guilty finding by the Adjustment Committee. He was fully aware of the situation in its entirety, and was the final respondent in the grievance process. If you will read the response beneath the Level III heading, you will find the typical denial of facts. He has said that since the charge against me was not *proven*, the charge was dismissed and I was released back into the population. The whole point of the grievance was the fact that I *was* found guilty, and that the cause of the verdict was false testimony. What he is saying is that I wasn't found guilty, and that "No further action is required by this office at this time."

I was still not satisfied to just let it go, so I spoke with the court appointed attorneys that visit this institution regularly, explained all that had happened, and asked them to help me in filing a suit. They told

INMATE GRIEVANCE APPEAL FORM

<u>[REDACTED]</u>	<u>M-Bldg/PCC</u>	<u>8604818</u>
Inmate Name/Number	Institution	Log Number

LEVEL II: Superintendent/Warden's Response (To be completed and returned within eight (8) days.)

Your allegations regarding the veracity of Capt. [REDACTED] are without merit. Your situation is under investigation. As stated before, Lt. [REDACTED] is aware of your request to see him. Your requested relief is denied.

[REDACTED] 10/21/86
 Superintendent/Warden Date

If you are dissatisfied with the Level II response, you may appeal within five (5) calendar days to the Regional Administrator (or - for classification matters only - to the Assistant Director of Classification and Parole Administration).

I wish to appeal the Level II response because: *Please refer to my letter to you dated 10/10/86. This is a corresponding grievance with that situation.*

Grievant's Signature [REDACTED] Date 10/24/86

LEVEL III: Regional Administrator or Assistant Director's Response (To be completed and returned within twenty (20) calendar days.)

It has been found that you were suspected of being involved in an escape plot and of being in the possession of contraband. As such, you were charged and placed in M-Bldg pending investigation. Since these allegations were not proven, the charge against you was dismissed and you were released back into the General Population.

No further action is required by this office at this time.

[REDACTED] 11/12/86
 Regional Administrator/Assistant Director Date

1ms: [REDACTED] ACTING REGIONAL ADMINISTRATOR, CENTRAL REGION
LEVEL III is the last level of appeal, except in the following cases: grievances questioning general policy and procedure at the Divisional or Departmental level, or emergency grievances requiring action at the Divisional or Departmental level. If you are dissatisfied with the Level III response and your grievance is grievable to Level IV, you may appeal the Level III response within give (5) calendar days of receipt. Fill out the section below, sign and date it, and mail it in a sealed envelope to the Deputy Director of Adult Services Division, P. O. Box 26963, Richmond, Virginia 23261-6963. If you need assistance, see the Staff Grievance Coordinator.

I feel that my grievance is grievable to Level IV and wish to appeal the Level III response because _____

Grievant's Signature _____ Date _____

me that I had to first give the Attorney General's office an opportunity to address the issue and bring it to an out-of-court resolve. At their advice, I wrote to the attorney general's office explaining the situation briefly and requested an investigation. Three months later I wrote to them again, and their response was that they never received my first correspondence. I wrote them a third letter and again explained the basic details and requested an investigation. That letter was blown off like the others, and I went back to the attorneys who come here and asked them to guide me in a suit. They said they couldn't.

From that day on until the two year time limit for filing a suit expired, I wrote no less than two letters each week to private attorneys on the streets. Most of them never answered. The ones who did said they were too busy to handle my case. So, as always, they did their dirt and got away with it. Who will speak for the prisoner? Who will enforce the law on behalf of the prisoner?

7

Interpersonal Aspects of Prison Life

Constitutional issues, perversions of fact and truth, abuse by prison administrations, the obvious incompetence and psychological inadequacies of the individuals who have charge of these facilities, and the forced stance of opposition that a prisoner has to take against them, do not represent the sum of the tribulations incidental to incarceration. The more complex the individual's mind, the higher his education, the greater his wisdom and understanding, the keener his awareness, the greater the travail of prison living. The ignorant do not seek understanding, and when faced with oppressions that elude their comprehension, they either ignore them, complain about them but make no structured effort to change them, or they react with violence. Such choices are simple and untaxing, but for the strong in mind and spirit, the philosophical questions and challenges are ever present, a perpetual plague that demands that questions be answered, and challenges be willingly confronted.

In the previous five chapters, we have examined many elements of prison life, focusing on its government and related processes without considering the interpersonal aspects which are at the least equally as vexing.

The more the individual is aware of himself, the more he will be aware of others and of his surroundings, and this is where the terminus of a prison structure takes its toll, even without the elements of its government being taken into consideration. In the free society, people are able to choose, at least to some degree, the place of their employment, their place of residence, places for social and recreational activities, and consequently, the people who are immediately and constantly in proximity to them. Natural selection occurs in society according to levels of intellect, maturity, practices, and basic compatibility. The selection is neither phenomenal nor is it uncommon to observe additional separation or sub-grouping among people of similar attitudes. The mere presence of someone whom you find abrasive results in mounting stress and hypertension, as well as physical violence if there is no relief from the exposure.

In the free world, a man faced with such a provocation can get another job, find another place to socialize or pursue recreational interests, and in severe cases, relocate his place of residence. Even if none of these remedial actions are feasible, he can still find at least temporary sanctuary from the frustrations by simply going for a walk or a ride. In prison, there are no such options available to the inmate. The social element does not improve between the cellblock and the yard or recreation areas. You will find the same people in one area of the prison as the other. There is no place within its confines to go to elude its occupants. (The constant and unending growth of the prison population has caused the by-product of double bunking in cells which were designed for single occupancy, thereby intensifying the already violent atmosphere. An area an inmate once shared with 100 men must be shared with 150 or 200 men; more people, more personality traits, and an increased proximity of visual, auditory, and physical contact) With all the other stresses of prison living, the last thing an inmate needs is to have what he considers a detestable person within constant range of his everyday perception, and this is where interpersonal strife and hostilities begin, and where prison administrations fail, deliberately I might add, to control the environment they have created.

If even a minute correlation exists between the level of maturity and academic accomplishment, it is certainly demonstrated within the confines of prison, and has a significant influence on the spontaneous per-

sonality traits of prisoners. The slang reference to an individual being unable to "hold his mud" may be the most appropriate term to apply, and is synonymous with a deficiency in dignity, self-respect, and common courtesy. The sum of such traits in individual personalities determines the natural selection, and the natural separation of prisoners.

Without suggesting that one set of standards for living is correct or that other lifestyles are not, it is obvious that some are acutely abrasive to other people. At Country Joe's corner bar, it may be perfectly common and acceptable to make a loud boisterous entry through the front door dressed in blue jeans and slap the waitress on the ass, where at another lounge that observes a dress code and has a calmer atmosphere, such a display would get you escorted off the property and/or arrested. In prison, no standards are established. Hundreds of contrasting personalities are penned up together, and since the dominating influences in prison derive from the less educated and more poorly mannered people that are the majority of the population, any tendency to adjust is realized as a retrogressive development.

The individual with a rigid set of standards and a strong character will fend off the influences of the environment and live in a perpetual state of frustration while struggling to maintain his personal values. This struggle, however, is less taxing than having to cope with the numerous environmental annoyances. Because the level of maturity of the average prisoner is helplessly trapped somewhere in the junior high school bracket, the activities and personalities of most prisoners are on that level.

A staggering percentage of prisoners walk with an exaggerated swagger to project a tough guy image, comparable to a schoolyard bully. They talk loudly at inappropriate times, claim to have had material possessions that were obviously beyond their means, profess to have knowledge or experience with subjects they are incapable of comprehending, and are boisterous, overbearing, inconsiderate, and live with a near total disregard for the rights and feelings of others, though less often deliberately than unconsciously. They are unable to discern what is and what is not appropriate behavior in various settings, and are unconcerned whether or not their conduct is disturbing the people in the immediate vicinity.

Often an inmate will take a childish nickname and then attempt to play a role to fit its conjectural meaning. Others will adorn themselves with an assortment of ornamental clothing and trinkets in an effort to be noticed and project an aura of resistance to authorities. It is not uncommon to observe an individual wearing all of the following: a nylon head rag, a head band, a hat, sunglasses, a spot of Noxzema on the face, a neck chain, two or three hand made rings, the collar turned up on his shirt, pants either rolled up above the ankles or worn inside-out, hard heeled shoes dragging and clunking on the floor, chewing gum and a toothpick in the mouth at the same time, and the chewing gum being manipulated to give off a cracking sound. This same individual will have an arm swing and a gait wide enough to accommodate two men, and will constantly be talking at his maximum volume, singing in a soprano pitch, or whistling. One such individual is capable of creating and maintaining a constant auditory disturbance in a typical cell block or dormitory where the acoustics of the structure are unable to absorb sound.

Radios are played at offensive levels, and inmates will call to each other from one end of the cell block to the other at maximum volumes rather than walking to the individual's cell and speaking to him in a normal tone. Noise levels are a constant disturbance to inmates who are in the school or college programs attempting to study in housing units, as well as to others who are pursuing independent study or personal development projects. Prison administrations write guidelines to curtail the disturbances but do not enforce them because internal strife among the population makes the numbers easier to control. Where the average man may be able to cope with abrasive personalities even on a daily basis, extended exposure and close proximity will create a mounting tension that could easily result in an outbreak of violence or cause the affected individual to suffer anxiety and hypertension.

Another calamity that the prisoner must face is the societal reaction to any inquiries he may make by mail. When a prisoner confronts the gravity of his social position, instincts will cause him to begin reaching back into the world from which he came to reestablish his roots to freedom, seek various kinds of educational and rehabilitative assistance, and fill the romantic/emotional void that incarceration spawns. He will get disappointing results from his efforts. Many business and learning

institutions will respond with fourth and fifth generation photocopied form letters that are barely legible, failing to respond to the questions presented in the inquiry. When letters are answered directly, the answers are often bland and non-responsive, and a great percentage of letters are never answered at all. The stigma created by prison almost uniformly outweighs the nature of the inquiry, and it would probably be reasonable to assume that a majority of prisoners' letters are never even opened before being routed to a trash receptacle.

I have probably written four hundred letters in the past five years, excluding those to family and established business contacts. The majority of these were to business and educational institutions. Of those that were answered (about 40%), most were responded to with either form letters or printed ad sheets. Approximately 40% of the total number were letters responding to personal ads written by local women looking for male companionship. Exactly four of those personal letters were answered. One by a woman who had just graduated from Law School, one was a Legal Secretary, one was a Doctor, the other was a Respiratory Therapist. All of them were either leaving the state or had already met someone through the ad. None of the others were answered at all.

There is a fear of prisoners, and many women have an image in their minds of prison men as evil creatures just waiting to pounce on them or abuse them. It is unfortunate that there are indeed men in here that would use a women in every way they could. I've watched it happen, but I have also watched women use prisoners just as often. It happens both ways. And the truth is that many men in prison, as a matter of fact most men in prison, are very lonely and hurting for love and caring, and would treasure someone who gave those things to them. Without question, it is difficult to pursue such a relationship. It is difficult on both people, and only an extraordinarily strong and intelligent woman can handle a relationship with a man in prison.

Years ago I met a beautiful young woman through an associate. We met for the first time in the visiting room and spent regular time together on the phone between weekend visits. The attraction between us was very strong physically, and our personalities and emotional makeup were a perfect match. We needed and wanted each other, and

fell in love in a very short time, but the bliss of the moment ended overnight. When she realized she was falling in love, she also realized that she couldn't stand to see me locked up. Saturday night we talked on the phone for two hours. We shared many beautiful thoughts and feelings, and we touched spiritually. We came together in a real sense, and she told me she loved me. When we hung up the phone that night we both went away with a new and wonderful feeling.

The next morning I called her to wake her up and start her day with the words "I love you" as the first thing she heard. She was crying when she answered the phone. She had been up all night and said she just couldn't deal with her feelings. She couldn't deal with not being able to touch me when she wanted to, make love to me when and how she wanted to, and couldn't deal with not having me there to be with her. That was a one hour long phone call that was like an eternity of pain for both of us. She said she had to run away from her feelings and that's precisely what she did.

I never saw her again, never talked to her again, and she never answered any of my letters. She just wasn't strong enough to deal with the complications involved, and very few women are. The affair that began as a sharing of needed emotions turned out to be a very painful experience for both of us.

In the last four years, four of my friends here have met women while incarcerated and were eventually married in the prison chapel. These women are strong and have accepted the circumstances of their marriage. All of these couples are happy and look forward to the day that they'll be able to spend all of their days and nights together, and in the meantime are patient and are coping with the penal limitations that complicate their marriage. But women with that kind of dynamic strength are very rare. Most prisoners will serve out their sentences in a constant state of emotional frustration and loneliness.

Marriages that were entered into prior to the prisoner's incarceration almost uniformly fail within a year, most within six months. Some prison systems have established conjugal visiting programs whereby prisoners are permitted to spend a weekend with their wives in a trailer or comparable living quarters without the scrutiny of prison guards that characterize standard visiting room formalities. Most prison systems,

however, have not yet taken that step toward humanity, and in view of the fact that even animals in a zoo are permitted mates, it leaves a man to marvel at how far our society feels comfortable in going to punish its prisoners, even to the point of denying them the natural human need to share emotions manifested in the physical act of making love. When marriage is involved, whether common law or licensed, the suffering is not confined to the prisoner, but must also be endured by the wives and girlfriends of the prisoners as well.

The personal afflictions of prisoners are as varied as their unique histories as free persons. What a prisoner's previous life had been like will lay the format for what he must endure as distress and deprivation in the life of confinement. Society's reaction to the prisoner and the emotional deprivation from the loss or prevention of relationships are only two of many such afflictions. The more he looks, the more he feels, the more he will suffer, but all prisoners, from the greatest to the least, the strongest to the weakest, will suffer simply because of the restrictions imposed by incarceration. The administrative and security bullshit is just icing on the cake, a little something to make the inmate bitter and hateful against governmental figures, and destroy whatever respect he may have had for them.

8

Our Present, Our Futures

In this final chapter, some of what you will read may seem to be in total contradiction to the air and attitude presented in the rest of the book, and perhaps it is. But the objective mind is never closed to learning and opportunity, and as prisoners, we have too much going against us already to create new obstacles from the way we think and handle our predicament.

We are men. We were men before we became convicts, we will remain men unto our deaths. It is therefore crucial to each of our individual futures that we battle fiercely against the impulsive presentiments that cause us to prejudicially categorize every employee of the department of corrections or the judicial system as a pig. It is true that we will find these conclusions to be accurate in most cases, but *most* is not *all*. There exists in the nature of all men a sense of justice. Whether or not it can be reached in a given individual or whether or not it has been effectively suppressed cannot be concluded universally for an entire class of people. We must allow every individual to represent himself, and draw our conclusions on a call-by-name basis.

The inability to make individual judgments is one of the major characteristics that define a pig and distinguish him from a man who is employed in the law enforcement field. To act with a comparable set of guidelines would not only be letting the pig cast the mold that shapes our capacity to act rationally and with human compassion, it would be to become a pig ourselves. The pig has chosen his life; we have not. We therefore have choices left to us that he has not, and our most important choice should be not to allow his cowardice, animosity, and disregard for humanity to grow within us. He sees a convict or a suspect and is immediately prejudiced against him. He may know nothing of the person, but he will have already drawn conclusions about him and hold a demoralizing opinion of him.

If we categorize every employee in a prison as a pig, we are using his same prejudicial logic and are no better than he is. Consequently, we would have no moral right to object to his standards. To argue that "he did it first" would be to apply a child's wisdom to a very serious problem. As prisoners, we are without the influence to litigate grievances on a grand scale, but we can actively pursue objectivity in dealing with officers and civilian employees by treating each of them from a neutral perspective until they have demonstrated whether they are pigs or men. Treat the pigs like pigs, and the men like men. This is nothing more than we prisoners ask for: allow us to represent ourselves individually and treat us accordingly.

As convicts, we meet a prison staff on precarious ground. They bring with them a proven reputation as pigs. We bring an equally proven reputation as murderous, deceptive exploiters. Yet to expect to be excluded from the general conclusions and be judged separately, we must be willing to judge each of them with the same objectivity. The prisoner, however, must be capable of going one step further.

We must be observant of moods, attitude changes, and personality changes among the employees of a prison. They may be unable to separate their professional from their personal lives, and an intense situation in their domestic lives may affect their attitudes during working hours, and at such times, the convict will have to let minor aggressions slide temporarily. Furthermore, it is not uncommon to see a prison employee go from being a man performing an assigned

function to a pig going out of his way to be a hemorrhoid to everyone he comes in contact with. Understand that the prisoner contingent is comprised largely of assholes.

I have personally observed three decent guards turn into pigs from being verbally abused by idiot inmates. Two of these guards I know well and I approached them directly about their attitudes. Both of them said the same thing: that they were tired of inmates dogging and abusing them, and they were going to start giving it back. There was enough respect between us to allow us to reason together, express ourselves openly and honestly, and to reach an understanding between us that resulted in their confining their offensive attitudes to those who brought it upon themselves.

In the case of prison guards, they are men no different than other men. They laugh, cry, fear, and have feelings like any other man. Most of them are just working to survive. If you constantly badger and insult them, they're going to get tired of it and react in an aggressive manner, perhaps not physically, but life is difficult enough without increasing the level of tension between yourself and the guards you have to constantly be exposed to.

But beyond these repercussions is the concept of justice, of moral correctness. If a guard or civilian employee treats you as a man and an individual, it is morally wrong to treat him with any less regard. There is a limit to the depth to which you can permit such a relationship to go, but common courtesy and treating an individual the way you yourself want to be treated does not exceed the scope of those limitations. In addition, you will find some civilian AND security personnel working in these garbage cans that look upon inmates in a totally objective manner, and if an inmate is a sincere individual, they will make an effort to be helpful in as many ways as they can. If the inmate is psychologically closed to all employees and treats them uniformly like pigs, these rare individuals who would be of help will withhold the compassionate sides of their personalities and the inmate may be inadvertently responsible for creating a pig out of a man. Therefore, for the convict, there exists an obligation to remain aware and prepared to cope with the pig, but to be equally ready to be objective and allow each individual to represent himself, and to treat him accordingly.

Finally, except in rare cases, when a man goes to prison, he loses everything he had in the free world: house, car, furniture, clothes, wife or girlfriend, and everything else. Since they take your personal clothing when you come through the Receiving Center, it would not be unreasonable to say that by the time you get to your first cell, all you really have is your birthday suit. It is a plaguing situation, both mentally and physically, and the new inmate must make numerous adjustments to a completely unfamiliar lifestyle.

When the adaptation from freedom to incarceration has been satisfactorily negotiated, the prisoner must then decide whether he is going to DO his time or USE it, and focus his energies accordingly. It would not be inaccurate to say that most convicts DO their time. They live in the thick of the goings on around them, and put little or no time into developmental efforts.

After spending over ten years in confinement and observing the long and short term results of the various lifestyles pursued by men in prison, if I had a son going to prison, I would tell him all I have written to this point, and then I would give him the following personal advice:

Mind your own business. Aside from keeping your eyes and ears open for potentially hazardous situations, do not concern yourself with the affairs of others. Your sentence is the only one you have to do. Don't try to do anyone else's.

Steer clear of organized gangs and drugs. Both will eventually lead you into confrontations with the administration and with the prisoner contingent. A great many incidents of violence occur over the exchange of drugs, and the game is every bit as dirty within the walls as it is on the streets. Gangs have one leader; the rest are followers. Before you decide to follow a man, be sure he's going to lead you where you're trying to go.

Take care in making choices, and always be ready to listen to men who are older and wiser than yourself, but follow your own mind and your own heart in making final decisions, keeping in mind any consequences that may follow your actions.

Never allow yourself to become intimately involved with homosexuals. Your playing the part of the male and the homosexual playing

the part of the female leaves no distinction between you once you have consummated a sexual act together. Look the word up in the dictionary if you want this clarified any further.

Whenever it is possible, think your way through any conflicts you encounter and avoid physical confrontations. But if you believe an individual is going to try to harm you, take him down first. It is too easy to be caught off guard and get stabbed in the back or piped in the head from behind. Those kinds of chances you cannot take.

Of greatest importance, take a long and serious look at yourself. You're at the bottom of the barrel. You've fucked your life up so badly as to fall into the clutches of people who couldn't give a shit less if you live, die, or get yourself killed, nor do they give a damn if you ever hit the streets again or do anything to help yourself in the meantime. Do something for yourself. Get whatever education is available to you, and set and pursue goals that will benefit your future. You're going to be locked up and out of circulation anyway, so USE the time. Make it work for you. Study, grow, and achieve. Use the years to increase your knowledge and understanding, and with this increase, plan and develop a successful future. It's easy to fall into the "Fuck it" attitude and throw the years away. Life is short as it is. Don't let the years waste away. Make them become a benefit rather than a burden.

Guard your health carefully. Men die in prison from being improperly treated for medical conditions, and sometimes from not being treated at all. Exercise regularly to maintain your body strength and retain as much as your youth as possible. Always inspect your food before eating it.

Beyond these things, guard your thoughts and your feelings to keep from making your time harder. Expect nothing from anyone and you'll never be disappointed. Exercise great care in choosing friends and associates. If they are not motivated in a positive direction, avoid them. They will tax your efforts in a multitude of ways.

Finally, respect yourself. Let neither man nor beast make you think any less of yourself. No man is better than another, for we are all the work of God and have a place in the world. Confront your weaknesses, build them strong, and rise from the oppressions you are about to

endure, and know that the strong will survive and return with greater wisdom. The weak will perish physically. The lucky will make it through the maze, but will have accomplished nothing and will be on their way back even as their feet cross the threshold of the outermost gate back into the free world.

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